The Cumberland University Theological School

John Vant Stephens

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The Cumberland University Theological School

(The Lebanon Theological Seminary)

—BY—

REV. JOHN VANT STEPHENS, D.D.

For Fifteen Years
Professor of History in Said School

Author of The Cumberland Presbyterian Digest, Presbyterian Law, The Presbyterian Churches, The Story of the Founding of Lane, Etc.

CINCINNATI, OHIO

1939

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A PERSONAL WORD

I have had occasion to make a critical study of the founding and of the subsequent history of the Cumberland University Theological School (The Lebanon Theological Seminary), with whose faculty I was connected for fifteen years, 1894-1909. I entered upon this study in 1896, when, under appointment by the General Assembly, I began to collect the materials for and later to edit the Cumberland Presbyterian Digest, a book of 600 large pages, thirty-seven of which are given to this school, published in 1899. My connection with this school has been told briefly in *Fourscore,* my *Life Story,* (abridged), page 71*ff*, issued on June 27, 1938. This book may be found in a number of leading libraries.

In 1934, the Presbyterian Theological Seminary, Chicago, celebrated the eightieth anniversary of the opening of the Cumberland University Theological School. On that occasion I delivered an address on "The Lebanon Theological Seminary" (The Cumberland University Theological School), including a brief reference to the Theological Seminary of the South, which took the place of this school, both in service and in spirit, when it was discontinued in 1909. This address was published under date of March 13, 1934, exactly eighty years after the University School had been opened at Lebanon, Tennessee by Dr. Richard Beard.

Previously, on August 1, 1933, I had published "The Story of the Founding of the Theo-

logical School in the Cumberland Presbyterian Church." This publication was written at the earnest solicitation of a number of the alumni of the school. The MSS. was submitted to the judgment of a number of competent critics who recommended its publication. As indicated, this treatise is limited to the founding of the school, while the Chicago Address, in broad terms, is more comprehensive.

Dr. Winstead Paine Bone, in 1935, brought from the press a valuable "History of Cumberland University", a book of 303 pages. Twenty-four of these pages are given to "The Theological School" and fifteen pages to the "Teachers in the Theological School." On February 4, 1936, I published a Review of this portion of Dr. Bone's History. The MSS. of the Review was approved by competent judges who advised its publication. Since the Review was published additional evidence has been discovered, which shows that the 1858 charter of Cumberland University was not reported to the Assembly of 1858. This evidence is now added to the Review, pages 37-39.

These three publications, *The Chicago Address, The Story of the Founding* and *A Review,* making a total of about one hundred pages, devoted to this school, for convenience, are now bound under one cover. Naturally, in these three separate publications, issued at different times and under different circumstances, there are repetitions. However, the analytical table of contents will be of service in the unification of the matters treated. In these three publications references are made to the Plan under which the theological school of the Church was made a department in Cumberland University,

to the charter of the University of 1843, the amendment of 1850, and to the substitute charter of 1858. In order that the reader may have copies of these documents at hand for ready reference and comparison, they are included in an appendix.

These publications, bound together, are available in a number of leading libraries for the use of the public, and as source materials for the use of future historians, who may have occasion to investigate the history of the Cumberland University Theological School. It is suggested that the reader look over the analytical table of contents before reading the publications.

JOHN VANT STEPHENS

Lane Seminary,
Cincinnati, Ohio,
October 11, 1939.

ATTENTION

At its sessions of 1843-44, the Legislature of Tennessee, on December 30, 1843, passed "An Act to Establish Cumberland University at Lebanon, Wilson County." At its sessions of 1849-50, the legislature, on January 16, passed "An Act" amending this charter. In the following pages this amendment is sometimes referred to as the 1849 amendment. Where such reference is made the reader will kindly read 1850 for 1849.

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Three publications, separately indexed, are bound together in this volume. In this table of contents references to the first, "The Lebanon Theological Seminary", are indicated by the Roman numerical symbol I; to the second, "The Story of the Founding of the Theological School in the Cumberland Presbyterian Church", by the Roman numerical symbol II, and to the third, "A Review", by the Roman numerical symbol III. The Arabic symbols refer to pages.

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The Lebanon Theological Seminary

A Department in Cumberland University

— AND —

The Theological Seminary of the South

An Address delivered on March 12, 1934, before the Presbyterian Theological Seminary, Chicago, in celebration of the eightieth anniversary of the opening of the Lebanon Seminary, on March 13, 1854.

— BY —

REV. JOHN VANT STEPHENS, D.D.

For Sixteen Years
Professor of History in Lebanon

Author of the Story of the Founding of the Theological School in the Cumberland Presbyterian Church, The Story of the Founding of Lane, The Presbyterian Churches, Presbyterian Government, etc.

CINCINNATI, OHIO

1934

INTRODUCTION

I have been honored with an invitation to write these introductory words, because it happened that, from its organization, I served as Secretary and Treasurer of the Presbyterian Theological Seminary of the South; with the duty of carrying out all plans for raising funds, not only for the support of the institution as a whole while it had a separate existence, but also for the partial support of the work at Cincinnati, after the Seminary of the South became allied with Lane.

Because of this official connection, I had in my possession for nearly a quarter of a century the official documents, now preserved in the library of the Presbyterian Theological Seminary, Chicago, of the short-lived Theological Seminary of the South. Probably, therefore, no living person—alas, many of our loved comrades in the work have been called to their eternal home—is better qualified to assert that Dr. Stephens has presented in this pamphlet an impartial and accurate account of that organism for the training of Presbyterian ministers which began as a department in Cumberland University and then, through the Seminary of the South and later through Lane Seminary, became an integral part of the Presbyterian Theological Seminary, Chicago. His statements are confirmed by the official documents.

Long noted for his painstaking care in dealing with historical matters, Dr. Stephens, in the recent preparation of two pamphlets, the earlier

one entitled "The Story of the Founding of the Theological School in the Cumberland Presbyterian Church," has rendered a service which probably no one else could have rendered. Without his work there would have been a missing link in Presbyterian Church history. It is not a large link, perhaps, yet one of tremendous importance as revealing the tradition and the genius of Presbyterianism.

The story he here tells has its origin in two of the historic principles of Presbyterianism — liberty and enlightenment, which principles were deeply rooted in early Cumberland Presbyterians. The Lebanon Seminary came into being because consecrated men felt a need of a trained ministry, and there was no place for adequate training in the frontier settlements of their day. It came to be a powerful factor in the life of the nation because it sent forth men of fervent evangelistic spirit and trained minds. As a separate institution it became a sacrifice on the altar of Presbyterian union; yet it is not too much to say that the spirit which it manifested and engendered lives on today in a greater institution which is a witness to the value of united effort.

JAMES E. CLARKE.

DEDICATION

In response to requests, the author, in 1933, published a booklet entitled "The Story of the Founding of the Theological School in the Cumberland Presbyterian Church." The Story closed with the opening of the school. The publication was received with hearty approval; but regrets were expressed that the Story was not brought down to date. The author now has the opportunity to comply with requests for a continuation of this fascinating history.

On March 12, 1934, The Presbyterian Theological Seminary, Chicago, commemorated the eightieth anniversary of the opening of the Lebanon Theological Seminary, which occurred on March 13, 1854, the author being honored as the guest speaker on the occasion. His address deals in broad terms with the founding of the seminary, as a department of Cumberland University, its subsequent history, the establishment of The Presbyterian Theological Seminary of the South, and its alliance with Lane Theological Seminary.

For a complete account of the founding of the Lebanon Seminary the reader is referred to the publication mentioned above. In a review of that publication *The Presbyterian Advance* says: "No man is better qualified to tell the story of the founding of the Lebanon Theological Seminary than Dr. Stephens, who, before going to Lane, was professor of history in that school, and who had access to source materials which give a clear picture of the conditions out of which the seminary came to be established. Dr. Stephens has succeeded admirably in giving to us in a very

concise form a clear understanding of the founding of the Lebanon Seminary—an understanding which could not be arrived at without an elaborate search through a mass of very long articles written at the time. The pamphlet is an exceptionally valuable historical document."

In his address, published herewith, the author regrets that there was not sufficient time for him to dwell on the post-war period down to the reorganization of the seminary forty years ago. It was a period of heroic struggle and deserves elaborate treatment.

The author served on the Lebanon faculties for sixteen years, from 1894 to 1910. At the close of this period, when the Seminary of the South formed an alliance with the Lane Theological Seminary, he became identified with the Lane faculty, on which he served for twenty-two years, until the merger of Lane Seminary with the Presbyterian Theological Seminary, Chicago. After a continuous service of thirty-eight years in Lebanon and Cincinnati, he retired in 1932, at the age of seventy-five years.

It has been the author's privilege to know many of the Lebanon men, a large number of whom have been called to their eternal home. During his connection with the Lebanon faculties, he met from day to day in the lecture rooms and at the chapel-worship periods about 350 students. The fellowship in these meetings is one of his cherished memories. It is with very sincere pleasure that he dedicates this booklet to the surviving Lebanon men, and to the memory of those gone before.

JOHN VANT STEPHENS.

March 13, 1934.

THE LEBANON THEOLOGICAL SEMINARY

A Department in Cumberland University and The Theological Seminary of the South

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Mr. President, members of the faculty, ladies and gentlemen. It is, indeed, a privilege to take part in the commemoration of an event that has meant so much to our common Presbyterianism.

President Stone, on behalf of the Lebanon alumni, may I thank you and your faculty for your very gracious recognition of the eightieth anniversary of the opening of The Lebanon Theological Seminary. I am sure that I voice the gratitude of the Lebanon men in this tribute you pay to an institution dear to their hearts. Circumstances led to an alliance of Lebanon with Lane, in 1910, and along with Lane to a merger with your seminary, in 1932.

Each of these three institutions had a humble beginning, and a hard struggle with adversity. The one in which the three are now united began in "a glorious adventure," in 1829, as a theological department, with one professor and two students, in the Hanover Academy, in southern Indiana. It was an enduring foundation the fathers laid. On that foundation this magnificent theological institution has been established.

President Stone, on behalf of the Lebanon alumni, may I congratulate you and this great seminary, of which you are the head, on its fine

record and the indispensable mission it is filling. In this time of world crises, you are training choice young men, and sending them forth to meet the world's supreme need in spiritual leadership. Verily, this seminary has come to the kingdom for a time like this.

On this occasion our attention is to be directed, specifically, to THE LEBANON THEOLOGICAL SEMINARY. Under this caption I include The Theological Department of Cumberland University and The Presbyterian Theological Seminary of the South, the latter being the successor of the former in both service and spirit. Necessarily, in the allotted time, the subject must be dealt with in broad terms.

The Historic Background

After the achievement of our national independence many American citizens, as is always true after a war, became absorbed with secular and material enterprises, at the expense of religion. The sympathy felt for France, growing out of her aid in the War of the Revolution, encouraged that type of infidelity which became prevalent on the eve and during the progress of the French Revolution.

The Rev. Dr. Leonard W. Bacon describes the condition of the country as a whole. He says: "The closing years of the eighteenth century show the lowest low-water mark of the lowest ebb-tide of spiritual life in the history of the American Church. The demoralization of army life, the fury of political factions, the catch-penny materialistic morality of Franklin, the philosophic deism of men like Jefferson, and the popular ribaldry of Tom Paine, had wrought, to-

gether with other untoward influences, to bring about a condition of things which to the eye of little faith seemed almost desperate."

The Rev. Robert Davidson paints a gloomy picture of conditions existing in Kentucky, which holds largely, also, for Tennessee. He concludes with these words: "By the close of the [eighteenth] century, a decided majority of the people were reputed to be infidels; and as infidelity is the prolific parent of vice, it is not surprising to find that the whole country was remarkable for vice and dissipation."

The situation was so grave that the General Assembly of the Presbyterian Church, in 1798, was constrained to transmit to the membership of the Church a pastoral letter. Two excerpts from this letter indicate the gravity of the outlook as seen by this representative religious body. The Assembly was moved by what it regarded as an "EXTRAORDINARY SITUATION OF THE WORLD." In view of this "situation" the Assembly said: "When formidable innovations and convulsions in Europe threaten destruction to morals and religion; when scenes of devastation and bloodshed, unexampled in the history of modern nations, have convulsed the world, and when our own country is threatened with similar calamities, insensibility in us would be stupidity; silence would be criminal. . . .

"We perceive," the letter continues, "with pain and fearful apprehension, a general dereliction of religious principle and practice amongst our fellow citizens; a great departure from the faith and simple purity for which our fathers were remarkable; a visible and prevailing impiety and contempt for the laws and institutions of re-

ligion, and an abounding infidelity which in many instances tends to atheism itself. . . . The profligacy and corruption of the public morals have advanced with a progress proportioned to our declension in religion. Profaneness, pride, luxury, injustice, intemperance, lewdness, and every species of debauchery and loose indulgence greatly abound."

And by the way, this vivid description of world conditions one hundred and thirty-six years ago applies with awakening accuracy to world conditions today!

The Cumberland Presbyterian Church

The Cumberland Presbyterian Church came into existence to meet and remedy, as far as possible, on the frontier, the deplorable conditions described by the General Assembly of the Presbyterian Church. It had its origin in the "Cumberland Country," in Kentucky and Tennessee. Its mission was evangelistic. Its concern was to take the gospel to the scattered settlements on the frontier. It was not the purpose of its founders to originate a new Church; but circumstances ordered otherwise. That which originated as an urgent, temporary necessity became a permanent organization.

The evangelistic need might have been met without the organization of a new Church had not two opposing parties sprung up. Most of the leaders of each party were of Scotch-Irish descent. They had their own convictions, and generally did not deal tenderly with the convictions of their opponents. It is said that an old Scotch-Irish elder included in his prayer this petition: "Grant, O Lord, that I may be right, for Thou knowest

I am hard to turn." Right or wrong, the leaders on both sides were hard to turn, so the result was another division in the Presbyterian family.

The growth of the new Church was rapid. The first Presbytery, organized in 1810, expanded into a Synod in 1813, and the Synod into a General Assembly in 1829, with thousands of members residing in a number of states. Continuing its growth, the Church, after ninety-six years, was reunited with the Mother Church, in 1906, the Assembly of each Church declaring that it was "a union alike honoring to both."

Founding Colleges

In its early history the Cumberland Presbyterian Church was in need of schools, in which to train its rising ministry. A similar need in the Presbyterian Church, in colonial days, led the Rev. William Tennent to establish "an academy, which its enemies nicknamed 'the Log College.' " It is said that this academy was "the first of the literary and theological institutions of the Presbyterian Church in America." Early in the nineteenth century there were but few schools in the "Cumberland Country." Among these schools there was an academy, Spring Hill, near Nashville, which compared favorably with Tennent's academy, and with the Kentucky Academy, established in 1794, by the Presbytery of Transylvania.

Feeling the need of better educational advantages, the Church, in 1826, when only sixteen years of age, founded Cumberland College, at Princeton, Kentucky. In 1843 the legislature of Tennessee granted a charter to Cumberland University, located at Lebanon. These schools offered the usual

college courses given in those days. Each had a provision in its charter for a theological professorship, but neither ever established such a professorship. However lectures on theological subjects were given to ministerial candidates in both institutions.

Up to the time of the organization of the Cumberland Presbyterian Church there were, in the country, but two Protestant theological seminaries, worthy of the name. The Presbyterian Church founded its first seminary, Princeton, two years after the organization of the new Church. In the East, in later colonial days, it was a custom for candidates for the ministry to secure their theological training under the direction of pastors, or in a college theological-annex. History repeated itself in Kentucky and Tennessee. For instance, the Rev. Dr. Thomas Cleland, in Kentucky, tells us that he had under his supervision "some fourteen or fifteen" students in divinity. The fathers of the Cumberland Presbyterian Church were forced to employ similar methods; but these methods were no more satisfactory at a later day on the frontier than they were at an earlier day in the East. Something better had to be provided.

Founding the Seminary

In 1830, at the second meeting of the General Assembly, the advisability of establishing a theological seminary was considered, but the way was not then clear for such a step. Five years later the subject was agitated in the Assembly. For years the Assembly endeavored to secure harmony of sentiment with reference to the *policy* of theological education; but sufficient unanimity

of opinion to justify a practical movement was not secured until 1848.

The Assembly in 1849 determined to establish "under its patronage and jurisdiction" two theological schools. The Assembly was of the opinion "that it would be wise" to make the schools departments in the two leading educational institutions, namely, Cumberland University and Cumberland College. Even though the leaders felt that only one seminary was needed, the rivalry between the two schools was such that it seemed wise to include both in the plan. It was accordingly agreed that the trustees of the two institutions "be permitted and requested to create an endowment fund for the establishment of such schools, under the patronage of the General Assembly."

Charter of the University Amended

In response to this action, the trustees of Cumberland University reported to the Assembly of 1850, stating that they had secured an amendment to their charter, which "requires all appointments of trustees of this institution hereafter to be made, to be submitted to the General Assembly for approval or rejection, with power to fill the vacancies when the appointments made by the trustees are not ratified." This amendment was designed to meet the demand of the Assembly that a theological school connected with the University must be under Assembly control. The trustees of Cumberland College made no formal report on the Assembly's proposal, but it was understood that the College was in a receptive mood.

The way being clear, the Assembly of 1850 named a committee "to mature a Plan for the

establishment of theological departments" in these two institutions. The committee was not able to report until 1852. Up to this time the Church had been concerned only with the *policy* of theological education. Pending the report of the committee, *a doctrinal controversy* was precipitated. The Synod of West Tennessee and Bethel College, a small institution, only a year old, established a theological professorship (which proved to be short-lived) in the little school, and placed a man in the chair, who, it was claimed, had "departed from the traditional teaching of the Church," holding "doctrines which were not in strict harmony with the creed of the Church." Moreover, he was not as irenical as he might have been, having had "sharp controversies" with some of his brethren. The action of the Synod and the College tended to crystallize opinion in favor of Assembly control of theological education both as to *policy* and *teaching*.

The Assembly Adopts a Plan for the Seminary

The Committee on Plan presented its report to the Assembly in 1852. In its preliminary statement the committee said: "Several leading questions are regarded as foreclosed by the action of previous Assemblies.

"1. It has been decided that one or more schools for theological instruction are desirable.

"2. The Assembly has decided that such schools should be in connection with the literary institutions of the Church, and made overtures with that intent.

"3. It has provided that those departments shall be under its supervision.

"4. It has authorized the trustees of Cumberland University and Cumberland College to take measures to raise an endowment fund for the establishment of theological departments in these institutions.

"The Plan which your committee have been instructed to mature must be drawn in accordance with what has been done in the premises. Two cardinal points have been settled. First: the trustees are to create the endowment fund; and secondly: the department is to be subject to the control of the Assembly. Keeping an eye upon these two cardinal points, the committee recommends the following Plan:" Etc. The Plan adopted by the Assembly is too long to be presented in this connection. It may be found in the Assembly Minutes for 1852, pages 38 to 42. It was reprinted in the Assembly Minutes for 1901, pages 76 to 79. At the conclusion of the statement of the Plan, the committee added: "While it provides for two departments in accordance with the previous action of the Assembly, the committee are agreed in opinion that it would be inexpedient to attempt the contemporaneous establishment of more than one."

Mention should be made of four fundamental principles for which the Plan provided. (1) It was the duty of the trustees to create an endowment. (2) The endowment was to "be subject to the control of the Assembly." (3) It was the duty of the trustees to make nominations for positions on the faculty, but such nominations were to be confirmed by the Assembly. (4) The Assembly regarded its relation to the University as experimental; so it was provided that "if the Assembly shall appoint a separate board, when

it is incorporated, the trustees of the University or College shall deliver over to the said board all funds raised for the theological department, both principal and interest, except so much of the interest as may have been expended for the benefit of the department." The experiment proved to be satisfactory. No complaint was ever made about the administration of the school under the terms of the Plan.

The opinion of the committee, "that it would be inexpedient" to establish more than one seminary prevailed, for Cumberland College failed to meet the conditions, and so was dropped out of consideration, even though the Plan had been so drawn that a theological school might have been made a department in the College. When the Assembly of 1852 convened, Cumberland University was the only applicant for the seminary. As indicated, the Plan submitted by the committee was adopted by the Assembly, and by this action the seminary was made a department in the University.

The Plan Accepted by the Trustees

On June 15, 1852, the trustees of the University, "*Resolved,* That the proposition of the General Assembly to establish a department of theology in this University is hereby accepted on the terms contained in the Constitution [Plan] and resolutions adopted at the last session of the Assembly, and a theological department is hereby established in this institution." The trustees at once entered upon a campaign to provide an endowment fund.

The Seminary Opened for Students

In their report to the Assembly of 1853, the trustees nominated the Rev. Dr. Richard Beard, an able and experienced teacher, who had "a profound knowledge of the original Scriptures," for the chair of Systematic Theology. The nomination was confirmed. On March 13, 1854, he was inducted into office, and entered upon his duties. In addition to his own specific subject, he taught Greek and Hebrew. There were two lecturers on the teaching staff. The number of students was not large, but there was a healthy increase in the numbers and in the endowment in the next few years. Then the Civil War broke. Endowment, library and buildings were all lost.

The Seminary was gradually revived after the war, but the South was so prostrated that rehabilitation was very slow. The seminary did not keep pace with seminaries in the leading Churches. As a result some candidates for the ministry, in the Church, entered other institutions, and this number increased as time passed. The Lebanon faculty was small and poorly paid, but too much credit cannot be given to these faithful and self-sacrificing men.

Reorganization of the Seminary

After the country had sufficiently recovered from the effects of the war, a campaign, lasting several years, was carried on for the creation of endowment and building funds. The general interest of the Church in the seminary was revived. In their report to the Assembly in 1893, the trustees of the University nominated the Rev. Dr. James M. Hubbert for the chair of Practical Theology. The nomination was confirmed. The

trustees announced "that the Rev. Dr. J. M. Hubbert has been appointed Dean of the theological faculty, and as such will be especially charged with the duty of looking after the interests of the theological school in its relations with the Church at large." The Assembly expressed its faith in "his eminent qualifications for this prominent and honorable position." He was called to this position from the leading pastorate in the denomination, in which his talents and services were highly prized. He was regarded as one of ablest preachers and pastors in the Church.

The Rev. Dr. Hubbert associated with himself, and the other three members of the faculty, the Rev. Drs. Robert V. Foster, John D. Kirkpatrick, and Claiborne H. Bell, three young men, the Revs. Winstead P. Bone, Finis K. Farr, and John V. Stephens. The seminary was thoroughly reorganized, taking high rank with the leading seminaries of the country. After nine years of distinguished service, as administrator and teacher, Dean Hubbert resigned his position, and returned to the pastorate. He was succeeded as Dean by the Rev. James R. Henry, and he by the Rev. Dr. Winstead P. Bone, who served until the school was discontinued in 1909.

Revision and Reunion

In 1900 the General Assembly of the Presbyterian Church took the initial step for the revision of the Confession of Faith, which was completed in 1903. The revision led to a reunion of the Cumberland Presbyterian Church with the Mother Church. Steps looking to a reunion were taken by the General Assembly of each Church in 1903. The reunion became effective in 1906.

After the completion of the reunion the trustees of the University secured amendments to their charter. The words "Presbyterian Church in the United States of America" were substituted for the words "Cumberland Presbyterian Church." There was another provision to the effect that "the theological department shall not be separated from Cumberland University," without the consent of the trustees. The General Assembly approved these amendments, and declared that the faculty and students of the theological department of the University were "entitled to full and equal recognition with those of other theological schools" of the Church.

The Reunion Sustained by the Civil Courts

Unfortunately, during the process of the reunion, opposition developed in the Cumberland Presbyterian Church. After the reunion was effected its legality was tested in fifteen states, in twelve of which, cases were taken to the Supreme Courts of these states. The Supreme Court of Tennessee, on April 3, 1909, handed down an unfavorable decision, and later a similar opinion in another case. In this connection it should be stated that in the last case before it, January, 1923, this court "repudiated the binding effect of its previous decisions . . . as affecting future questions of denominational union." The Supreme Court of Missouri rendered an adverse decision, but later reversed itself. In all the other states the Supreme Courts sustained the reunion on first hearings. In three other states the reunion was upheld by the lower courts, no appeals being taken. A number of cases were heard in the Federal Courts, three from Tennes-

see, in all of which the reunion was sustained. One case was taken to the Supreme Court of the United States. This court, too, sustained the reunion.

The Theological School Discontinued

While some of these cases were pending in the courts, the trustees of the University, on June 23, 1909, directed their President "to request the Dean of the theological department to file a report of the prospects for the coming year's work." The Dean submitted, in writing, his views on the situation. Among other things he said: "In order to insure the return of our old students, not yet graduated, we must be able to show them that the year's work will not be interrupted by a lawsuit. And we will have to give the same assurance to those students desiring to enter the new class next fall." The Dean closed his report with these words: "In my opinion, the difficulties now in our way are far more serious than they have ever been before, and are too great to be overcome by us. They would have to be removed before we could move forward with any prospect of success." On the next day, June 24, this report was laid before the trustees. "After the most careful consideration" of the Dean's report, action was taken as follows:

"In view of said report, and of the known conditions resulting from the strife going on in and out of the courts, between the union and non-union elements in the Church, the existence of which is deeply deplored by this board, we are of the opinion that the overthrow of the theological school has been accomplished, and that it is utterly useless for the board to further

attempt to maintain it as a department of Cumberland University. And we now with sorrow declare that the department has failed and it is hereby discontinued. This declaration has been made necessary, imperatively so by conditions for the existence of which this board is in no way responsible. . . .

"It is further declared that the condition has arisen upon which the board may exercise the power granted in the charter to transfer the endowment or funds of one department of the University, which has failed or been discontinued to some other department thereof, and said theological department having failed and been discontinued as shown above, it is ordered that the entire endowment of said theological department, now held by or for this board whether the same be in cash, bonds, notes, mortgages, or other securities, or invested in libraries, school room furnishings or real estate, be and the same is now transferred to the literary or college department of Cumberland University, and hereafter to be held in trust for said department."

The trustees had reason for anxiety, and, of course, a duty to conserve the assets of the University. The Tennessee courts had held that Cumberland Presbyterian property in the state belonged to the opponents of the reunion. It was an open question whether the same courts would not hold that, because the theological department was controlled by the Church, rather than by the trustees, the property of said department must be awarded to the opponents of the reunion. On the other hand, the University as a whole was not under church control; and the charter gave the trustees power to discontinue any department, and use its funds for the benefit of some other

department. Yet, had the trustees counselled with the General Assembly, whose relation to the theological department they had recognized, or later with the board mentioned below, their action possibly might have been different. The final outcome in the litigation surely would have justified a different conclusion, for, later, as has been indicated, in three cases in Tennessee, the Federal Courts sustained the reunion, and it was upheld by the Supreme Court of the United States. However, the action of the trustees terminated the *legal entity* of the theological department; but the *soul* of the institution, dear to the hearts of thousands, besides former students, *lived on!*

The Seminary of the South

Fortunately, the General Assembly, in May, 1909, learning of the embarrassing situation, growing out of the litigation in Tennessee, appointed the Rev. Dr. Baxter P. Fullerton, the Rev. Dr. James E. Clarke, the Rev. Dr. Isaac D. Steele, the Rev. Dr. E. A. Elmore, the Rev. Dr. W. R. Dawson, the Rev. W. J. King, and Messrs. E. W. Grove, Foster V. Brown, and James West, "as a board to maintain and conduct for the Presbyterian Church a theological seminary in the South." These gentlemen were "authorized to take such steps as may be necessary to conduct the seminary in the interest of the Presbyterian Church and under the control of the General Assembly."

The Rev. Dr. Fullerton and the Rev. Dr. Clarke, members of the new board, promptly indicated to members of the Board of Trustees of the University, their personal opinion that the new board, when organized, would cooperate with

the trustees of the University in maintaining the theological department of the University, feeling that such a course would fully meet the purpose of the General Assembly; but before the new board could meet and organize, the trustees of the University took the action on June 24, mentioned above. This action peremptorially estopped any possibility of cooperation.

In the judgment of the new board its course became mandatory. In its report to the Assembly in 1910, the board said: "Having learned that the trustees of Cumberland University had, on June 24, 1909, ordered the discontinuance of the theological department of Cumberland University, thus leaving the Church without any theological seminary in the South, the board appointed by the last Assembly was called together and organized." The Rev. Dr. Fullerton was elected President, the Hon. Foster V. Brown, Vice-President, and the Rev. Dr. Clarke, Secretary and Treasurer. "The board carefully considered the situation, and reached the conclusion, that, in view of all the facts, it was in duty bound to organize and conduct a theological seminary, in accordance with the action of the Assembly."

A charter was taken out, and the Presbyterian Theological Seminary of the South became *a legal entity,* taking the place in service and in spirit of the discontinued theological department in the University. The board elected a faculty, composed of the following named gentlemen: the Rev. Dr. John V. Stephens, Chairman; the Rev. Dr. Finis K. Farr, Secretary; the Rev. Dr. Robert V. Foster, the Rev. Dr. Claiborne H. Bell, and the Rev. Dr. Robert G. Pearson. For a home for the new seminary, the board rented, for one year, the domicil formerly occupied by the discontinued

school. The seminary opened on October 7, 1909. The year 1909-10 was one of the best, both in spirit and work, in Lebanon. Instead of a falling off in attendance, as had been predicted, the student body numbered exactly the same as in the preceding year; and this, too, notwithstanding the announcement that had been made in midsummer, that the old school had been discontinued. This announcement led several students who would have joined the junior class to make other plans before the new administration could organize and get in touch with them.

In 1910, the board reported to the Assembly that "the work of the seminary was successfully and efficiently conducted," and that "without a cent of endowment, the funds to carry on the work of the seminary were raised by private subscription." The year closed with all bills paid, including salaries, student aid, rent for the building used, and all incidentals. The credit for this fine financial showing was due to the Rev. Dr. Clarke.

Alliance With Lane

The trustees of the University declined to rent, for another year, the quarters occupied by the seminary, assigning as a reason "threatened litigation." No suitable building, in which to house the seminary, could be found in Lebanon. Investigations were made in Nashville, with the thought of moving there; but it was discovered that the cost would be prohibitive. In view of this situation, the board held a meeting, on April 27, 1910, when the whole situation was carefully and prayerfully considered. In view of the insurmountable financial difficulty, the board reached the conclusion that it would be advisable to "un-

dertake to form an alliance with an existing seminary." Accordingly a special committee, consisting of Messrs. Fullerton, Clarke and West, was "appointed with power to effect such an alliance."

In harmony with this conclusion, the board, in its report to the Assembly, in May, 1910, suggested the advisability of seeking an alliance with some seminary, "rather than to undertake the erection of permanent quarters for the Presbyterian Theological Seminary of the South." The Assembly concurred in the suggestion of the board, and advised it "to enter into such arrangements with some existing seminary of our Church as will secure for the students from that section a proper training."

The special committee, appointed on April 27, then took up the plan of an alliance with the trustees of Lane Theological Seminary. A conference was held, which resulted in the signing of an agreement for a tentative alliance between the two institutions, with the hope that it would become permanent. In keeping with the terms of the agreement, the trustees of Lane Seminary, on June 24, 1910, "voted to add to its teaching force two teachers, one of whom shall look to the Seminary of the South only for his support, and the other to Lane Seminary only," and "elected as such, Doctors Stephens and Farr, members [of the faculty] of the Seminary of the South." The agreement further stipulated that "these two teachers shall be technically recognized simply as instructors in Lane Seminary, but shall enjoy all the rights and privileges of regular professors not inconsistent with the terms of this contract." Both boards reported to the Assembly of 1911, in harmony with the terms of the agreement, and fur-

nished a statement about the year's work. The Assembly commended "the union most heartily."

As was hoped, the tentative alliance became permanent. To the Assembly of 1913, the trustees of Lane Seminary reported as follows: "In consummation of the agreement with the Theological Seminary of the South the board unanimously, in harmony with the desires of the brethren themselves and of the entire faculty, elected Rev. John Vant Stephens, D.D., to the Professorship of Church History, and Rev. Finis King Farr, D.D., to the Professorship of New Testament Exegesis and Introduction — thus a relationship, fruitful in fellowship and usefulness to our beloved Church and country, is finally consummated, and the seminary, with gratitude to God for his mercies in the past, turns its face with hope and courage to the future." At this time Lane Seminary reported "the largest attendance of students in its history," the number being seventy. The alliance of the two institutions had doubled the attendance at Lane.

In the mean time the board of the Seminary of the South provided its financial quota for the support of the allied institutions, and continued to do so for several years. These funds, for the most part, had to be secured by private subscription. The credit for the achievement of this herculean task was due to the Rev. Dr. Clarke. The Assembly of 1917 authorized "the Presbyterian Theological Seminary of the South to cease all activities in its official capacity, and to take the necessary steps to dissolve the corporation and surrender its charter."

The alliance of the Seminary of the South with Lane Seminary, beginning, tentatively, in

the fall of 1910, later consummated, continued in force until it, along with Lane Seminary, was merged with the Presbyterian Theological Seminary, Chicago, in 1932. In its entire history the Lebanon Seminary graduated 436 students. In addition to these, about 175 students took part of their training in Lebanon, making a total of over 600 who studied in Lebanon.

List of Professors in Lebanon

It would be a pleasure to dwell on the personnel of the professors in Lebanon, but time will permit only the listing of their names and periods of service. The Rev. Dr. Richard Beard, 1854-80; the Rev. Dr. Benjamin W. McDonnold, 1859-67; the Rev. Dr. Stanford G. Burney, 1877-93; the Rev. Dr. W. H. Darnall, 1877-78; the Rev. Dr. Robert V. Foster, 1877-1910; the Rev. Dr. John D. Kirkpatrick, 1881-95; the Rev. Dr. Claiborne H. Bell, 1885-1909; the Rev. Dr. James M. Hubbert, 1893-1902; the Rev. Dr. Winstead P. Bone, 1894-1909; the Rev. Dr. John V. Stephens, 1894-1910; the Rev. Dr. Finis K. Farr, 1895-1910; the Rev. James R. Henry, 1902-06, and the Rev. Dr. Robert G. Pearson, 1903-10. Instructors and lecturers are not listed.

Such is a very brief sketch of the Lebanon Theological Seminary, the eightieth anniversary of whose opening we celebrate.

3

The Story of the Founding

of the

Theological School

in the

Cumberland Presbyterian Church

— BY —

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Professor of History in Said School

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CINCINNATI, OHIO

1933

FOREWORD

In 1929 Lane Theological Seminary celebrated its centennial. On that occasion the author delivered the address, entitled "The Story of the Founding of Lane." The address was printed and circulated. This led to the suggestion that the author write a companion Story on "The Founding of the Theological School in the Cumberland Presbyterian Church." Fortunately, he had on hand source-materials, collected when he was a member of the faculty of that school. Following the suggestion, he prepared a preliminary draft, which was submitted to a number of men familiar with the subject, and competent to pass on its merits. The draft was so favorably received that he has been encouraged to present the subject in permanent form.

The Story consists largely of excerpts, arranged in chronological order, taken from official records and articles in the Church press of that early day, the latter furnishing a unique background, necessary for a clear presentation of the subject. References are made to Cumberland University from its founding in 1842 down to 1854, because it was a leading educational institution in the Church, and also because the theological school was made a department in the University. This Story is not a history of the University, since it deals with only one department, and of that one, only in its beginning.

The Story presents the fundamental principles guiding the Assembly in the founding and administration of the theological school, unfolding the various steps taken to secure these ends.

The theological school being a department of the University, it was necessary for the Board of Trustees of the University to administer the affairs of the school, under the guiding hand of the Assembly. Problems had to be met by the board. The Assembly, on various occasions, expressed its confidence in the board and commended it for faithfulness.

JOHN VANT STEPHENS.

Cincinnati, Ohio, August 1, 1933.

THE STORY OF THE FOUNDING OF THE THEOLOGICAL SCHOOL IN THE CUMBERLAND PRESBYTERIAN CHURCH

The Cumberland Presbyterian Church had its origin in what was known as "The Cumberland Country," located in Tennessee and Kentucky. It came into existence to meet a pressing evangelistic need, in a frontier country. It was not the purpose in the beginning of the movement to start a new Denomination; but circumstances ordered otherwise. The first Presbytery, that of Cumberland, organized in 1810, expanded into a Synod in 1813, and the Synod into a General Assembly in 1829, with thousands of members scattered over a number of states and territories. The new Church, after a separate existence of ninety-six years, was reunited with the Mother Church in 1906. There were but few schools in the section of the country in which the new Church originated, and these were of a very elementary character. In these schools and by private instruction, for the most part, candidates for the ministry were educated, in the early life of the Church.

Cumberland College, at Princeton, Ky.

The Church felt a pressing need for better educational advantages, and so in 1826, when the Church was only sixteen years old, Cumberland College, at Princeton, Ky., was founded. While its doors were open to young men generally, yet its main purpose was to prepare young men for

the gospel ministry. Up to the time of the organization of the Church there were but few theological seminaries in the country. The Roman Catholic Church established such a school in Baltimore in 1791; the Congregational Church founded Andover in 1808, and the Dutch Church established New Brunswick in 1810. The Presbyterian Church in the U. S. A., founded Princeton, its first theological seminary, in 1812, more than two years after the organization of the new Church in the wilderness.

The Presbyterian Church in the U. S. A. had pursued two methods in educating its ministerial candidates. (1) After the completion of his college course a candidate might be placed under the supervision of a pastor, where he would pursue his theological studies and receive practical training in pastoral theology. (2) Later, it became the custom for a college to establish a chair in theology, where a candidate, after finishing his college course, might take a year's training under the one professor in divinity. This latter method was in vogue when the Cumberland Presbyterian Church founded Cumberland College. In pursuance of this method, it was provided "that annexed to the institution, there shall be a theological department, under the care of the professor of divinity."

Financial difficulties arose in the management of the college. After several attempts, without success, to place the institution on a sound financial basis, the General Assembly resolved to move the college to another location. This action on the part of the Assembly interested the citizens of Lebanon, Tenn., and in 1842 these public-spirited citizens presented to the Assembly "a memorial" which led the Assembly to appoint a

Commission to select a more eligible site for the Church college. The Commission met in July, 1842, and accepted the proposition submitted by the citizens of Lebanon. The new school was opened in September, 1842.

Cumberland College, at Lebanon, Tenn.

The institution at Lebanon was known as a college until late in the year 1843. The effort to remove the college from the Kentucky town had failed. That school continued at Princeton, as a Cumberland Presbyterian institution until 1858. So from 1842 until December 30, 1843, there were two colleges bearing exactly the same name, "Cumberland College," the distinction being in their locations. Advertisements of the two schools were made in the Church papers as "Cumberland College, at Princeton, Ky.", and "Cumberland College, at Lebanon, Tenn."

When it became evident that there were two schools bearing the same name, on December 30, 1843, more than a year after its founding, the Lebanon college was chartered by the State Legislature as "Cumberland University." It has been said that "the trustees had already resolved to secure a university organization, according to the American interpretation of that phrase—that is, they resolved to establish a group of professional schools around a college of arts as a center."

This charter provided "that in addition to the usual professorships in literary institutions, any person or society, or the Board of Trustees may found a professorship of agriculture by endowing the same." The charter further provided "that any evangelical Church, or any number of members of the same, may establish a theological professorship in said institution, by endowing the

same with the consent of the Board of Trustees, and under such rules and regulations as may be agreed upon between such Church or members and said board; *Provided,* that such Church or members may name such professorship and appoint the professor." In thus providing for "a theological professorship," though not limiting it to any particular denomination, the Lebanon School, like the Princeton School, was following the traditional method of the colleges of the country. In 1846, in a letter to the Rev. Robert Donnell, the President of the Board of Trustees said: "It would be very desirable to see some brother of wealth endow a professorship of theology in our University, and you the first professor." This was the nearest realization of the establishment of "a theological professorship" under the charter of 1843.

The General Assembly, after 1842, absolved itself from all financial obligations to the Princeton School, and no such obligations were assumed with reference to the Lebanon School. Both schools sustained exactly the same relationship to the Assembly, which was only one of good will and patronage.

Assembly Interested in Theological Education

Soon after the constitution of the General Assembly, in 1829, efforts were made "to obtain harmonious reports from the Presbyteries in reference to a theological school." Two theories at first prevailed. (1) That there should be but one such institution for the whole Church; and that it should be under the control of the Assembly. (2) That the establishment of such institutions should be left to the Presbyteries. Sufficient unanimity of opinion to justify a practical move-

ment for the establishment of such an institution was not secured until 1848. In the meantime strong pressure had been brought to bear on the Assembly for the founding of such an institution. The Rev. Dr. B. W. McDonnold, later President of Cumberland University, writing in the Banner of Peace, 1860, said: "In 1847 and 1848 a large number of young ministers in our colleges were corresponding with the professors in Andover, Lane, and Princeton Seminaries. Dr. Stuart, Dr. Beecher and Dr. Miller always responded kindly to their inquiries. The question of going to a theological school was agitated in the minds of a multitude of our candidates. The ministers of our Church were besieged with questions and applications for counsel. Nothing allayed the awakened interest but the assurance that we would soon have a school of our own. I am familiar with the excitement, and the comparative abatement of it upon the announcement by the General Assembly that we were to have a theological school of our own. There was a pressure, a necessity for the step." The leaders among the older ministers joined with the younger men, in urging the building of a theological seminary.

Cumberland University Criticised

The Board of Trustees of Cumberland University were criticised for planning to establish a law school before founding a theological school. It was a custom in those days for a correspondent for a paper to write over a *nom de plume.* A writer, in the Banner of Peace, 1848, signing himself "Homo," speaking for the board, assigned two reasons for the establishment of a law school before the founding of a theological school. (1) A law school would be self-supporting from the

beginning, while a theological school would never be self-supporting. (2) "The charter of the University," said "Homo," "secures to the Church the privilege of establishing a theological school, and the Board of Trustees are not disposed to disfranchise the Church, by establishing the department without consulting her wishes and intentions. Before the board takes measures for the establishment of such department upon its own responsibility, it would seem proper that measures be taken to ascertain the view of the Church in reference to a theological school."

The Rev. Dr. B. W. McDonnold, in his history of the Cumberland Presbyterian Church, speaking of these criticisms, says: "This opposition, private and public, continued and increased until July 26, 1848, when the trustees met and agreed upon a paper to be published to the Church, which should quiet all further apprehensions. The substance of this paper was a pledge, to be forever binding, that the law department should never be a tax on the Church." This assurance quieted the opposition.

The University was under fire from another direction. It was charged that the University was not a "'Cumberland' Institution." President T. C. Anderson regarded this criticism with such seriousness as to call for an extended reply. This he made in a series of articles published in the Banner of Peace. He noted the fact that the General Assembly refused "to have any connection with any literary institution"; he said that "some able writers" in the Church had helped to influence the Assembly to adopt this policy, by means of articles published in the Church papers. The Assembly of 1842 instructed the Commission, it had appointed to relocate Cumberland College, "to secure the incorporation of a Board of Trus-

tees, the majority of whom shall be members of the Cumberland Presbyterian Church." The charter obtained in 1843 had no such provision. The board was criticised for this omission. President Anderson said that such a provision had been incorporated in the original draft of the charter, but for some reason unknown to him the Legislature struck it out. To meet this defect in the charter, the Board of Trustees, according to its records, which he quotes, at the first meeting held after the passage of the charter, adopted a preamble and resolutions, reading as follows:

"*Whereas,* We rely, mainly, on the Cumberland Presbyterian Church and her friends for the endowment of Cumberland University, and as it is just and right that such endowment should forever continue under the control and for the benefit of said Church, therefore,

"*1. Resolved,* That this board will always so fill vacancies, as they may occur by resignation, death or otherwise, as to keep at least eight of the thirteen members of the C. P. Church.

"*2. Resolved,* That if it should ever so happen that a majority of said board are not members of said Church, then in that case the subscribers to the endowment shall be permitted at his, or their option to withdraw from the board the full amount of their subscriptions or donations, after deducting the expense of collections; and if the donor shall be dead, and has left no directions on the subject, on the happening of such an event, then the said fund shall belong to and shall be paid over to the Assembly's Board of Trustees of the Cumberland Presbyterian Church, to be appropriated to such purpose as the General Assembly of the Church may direct.

"3. *Resolved,* further, That the two resolutions above shall constitute a contract between this Board of Trustees and those who contribute to the endowment of Cumberland University."

It was said that this action on the part of the Board of Trustees of the University was nothing more than a resolution, which might be set aside by a counter resolution. To this President Anderson replied that by this action the Board of Trustees had entered into a "solemn *contract*" with those contributing, and so with the Church, "but," he said, "if legal opinions are necessary, then I am prepared to state that the *first* jurists of the state have pronounced it as binding as any contract, law or instrument can be."

When it is considered that the General Assembly refused "to have any connection with any literary institution," and further that until the year 1848, the year in which the Assembly took the settled step looking to the founding of a theological seminary, Cumberland University had been placed on the defensive to make it appear that it was a " 'Cumberland' Institution," leading the trustees to adopt the foregoing preamble and resolutions, it appears that the Assembly would move cautiously, and subsequent events proved that it did.

A Theological Seminary Under Assembly Control

Let us again take up the thread of the narrative concerning the demand in the Church for a well-equipped theological seminary. As has been seen, both the younger and older men united in this earnest request. The Church papers contain a number of articles on the subject by lead-

ing ministers; among the number mention may be made of the Rev. Dr. Richard Beard and the Rev. Dr. F. R. Cossitt, both leading educators.

In the Banner of Peace, in March, 1848, a correspondent, writing over the letter "C," began a series of articles under the title, "A THEOLOGICAL SEMINARY," and closed the series only a few days before the meeting of the Assembly. The editor of the Banner, the Rev. Dr. F. R. Cossitt, heartily endorsed the positions taken by "C," and also vouched for his character and experience. It was thought that "C" was the Rev. Thomas Calhoun, an outstanding minister, who twice had been Moderator of the Assembly.

"C" dealt with the cardinal principles underlying the founding of a theological seminary. Among other things he said: "If a theological seminary is to be established, the question then comes up: by whom is it to be established? And I confess that I approach this subject with embarrassment. It is surrounded with great difficulties. The charters of Cumberland College and Cumberland University contain, each of them, a provision for the establishment of a theological department. The provision is about the same in both, I believe. I am not aware whether such provision is in the charter of any other institution under the patronage of the Church. But the question is: shall the trustees of either of these institutions proceed to the establishment of such a department? A large amount of money will be necessary to sustain it. After buildings and library are furnished, an endowment will be necessary. This money will be furnished, if furnished at all, by the Church. It must be held and used by the corporation that establishes the department. But is this corporation responsible to the Church? Are its proceedings subject to the supervision of the Church? Are its vacancies

filled by the Church? What control has the Church over it? If it has none, what control will it have over the funds which may be collected and deposited for its use ages hence? This is a grave question, as it seems to me. If we build up institutions of learning, we are making provisions for posterity. We can make no such provision with assurance, without the interposing guaranty of the law of the land.

"There is another consideration in connection with this, which deserves serious attention. The corporation which establishes the department will appoint the professors. But is it proper that they should? They are few in number; they are local. They may not be members of the Church. I imagine it is true that in both the corporations which have been mentioned, there are gentlemen who are not members of the Church. This is not mentioned through disrespect, and certainly is not intended for the purpose of arousing vulgar prejudice, but we ought to know what is true. Have we any assurance that the theological views and preferences of these corporations will be a true index to those of the Church? Let us reflect."

Furthermore, "C" said: "In a step of so much importance, union, concentration is indispensable. The General Assembly must take up the matter. If it is left to the management of the trustees or directors of our ordinary colleges, the result may be disastrous. Those men are not responsible to the Church, and shall they hold its funds and appoint and control those who are to form its ministry, and themselves be what they please? They may be as pure as men can be, and I have no doubt they are as much so as most men are, but who will be their successors? Can any one tell. There is no guaranty on this subject, except in the connection of such men in their cor-

porate capacity with the Church. Will my brethren know what I mean? I think there are some who will. Every man of business will understand me. Do we not know that it is passed into a proverb that *a corporation has no conscience?* It can do what it will, within the law. Let us bear this thing in mind. The law of the land gives a corporation its existence, and measures its capacity and feelings."

Finally, "C" pleaded for General Assembly control. He said: "We have three or four colleges. I class among these Cumberland University, and I intended to do her justice. We have, I suppose, a dozen academies. We need not attempt to conceal from ourselves or from the world that these are all local in their interests and influences. They partake of partisan establishments. I cannot be wrong on this subject. We may shut our eyes to an unpleasant truth, but this does not destroy its existence. It is truth still. . . . The question is, will the Church unite upon any theological seminary, or upon a department in any college, which is strictly local and sectional? I answer they will not, and for the best of reasons, they should not. What then is to be done? Let the General Assembly, whatever else may be done, have the appointment of the instructors in such an institution, and let them have their hands on the men who hold the money for its endowment. If these conditions are fulfilled, I am satisfied. If they are not, I hope I may never see a theological school in the Church. A local or partisan establishment of this kind will be a fire-brand in the midst of materials combustible enough. Let us try to unite on this great subject, on whatever else we may chance to differ, and for my part I see no way of uniting but through the Assembly."

"Homo," who spoke for the Board of Trustees of Cumberland University, as we have seen, took the position that the Church, through the General Assembly, should be allowed to establish the theological school, if it so desired, according to the provision of the charter (1843) of the University. "C" urged that the school should be established and controlled by the Assembly, both as to its faculty and endowment. "Homo" and "C" were agreed on the fundamental principles. "Homo's" general statement is in accord with "C's" more detailed statement. "C" expressed the almost universal sentiment of the Church.

There was considerable local feeling between Princeton and Lebanon. The feeling was more than that of good-natured rivalry. So when the Assembly of 1848 convened at Memphis, Tenn., it was confronted with a serious problem. As indicated, there was a strong demand for the establishment of a theological seminary, and that such an institution should be under the control of the Assembly.

Question of Location

Then finally, there was the question of a location for such a school. There were some reasons for locating it near or in connection with one of the colleges, over which the Assembly had no control whatever. But if located in connection with, or near, one of these schools, which should it be? Evidently either Cumberland College or Cumberland University, these being the two leading institutions. But there was that rivalry to be taken into account. The leaders in the Church were practically of one mind that there should be but one theological seminary; but on account of the rivalry between Princeton and Lebanon, the Assembly took no precipitate action.

"Homo's" advice was followed, "Let nothing be done hastily."

The Assembly cautiously felt its way for future action. (1) It requested the Presbyteries "to take into consideration, at their next fall sessions, the propriety of establishing a theological seminary, or seminaries, at some suitable place or places in our bounds, and to communicate their action to the Chairman of a Committee," which it designated. (2) "A Committee on the establishment of a theological seminary" was appointed with instructions to "invite propositions" for its location, and "report such as may be made to the next General Assembly"; "also, a detailed Plan which they may think best for the establishment of such an institution, together with the ways and means by which it may most effectually be done."

The Assembly of 1849 met at Princeton, Ky. The Committee appointed the previous year reported that a great majority of the Presbyteries were decidedly favorable to the establishment of a theological school or schools. The Assembly, on the recommendation of the Committee, decided "that it would be wise to connect the establishment or department with one or both, the Cumberland University, at Lebanon, Tenn., or the Cumberland College, at Princeton, Ky., as well on the ground of economy as expediency"; but at the same time held "that the theological department be under the control of the General Assembly, which shall have power to define and establish professorships and elect professors, and control the proper investment of the funds." The Assembly was of the opinion that "there is no impropriety or inconsistency in subjecting the theological school, located as suggested, to the

General Assembly, although the literary institution to which it may be fixed may not be in any manner subject to its control." In conclusion the Assembly adopted two resolutions, reading as follows:

"1. *Resolved*, That this General Assembly is in favor of the establishment of a theological seminary or seminaries for the instruction of our candidates for the ministry.

"2. *Resolved,* That the Trustees of Cumberland University, at Lebanon, Tenn., and Cumberland College, at Princeton, Ky., be permitted and requested to create an endowment fund for the establishment of such schools, under the patronage of this General Assembly: *Provided,* said trustees have no power to create any indebtedness on this General Assembly: and provided further, that whatever they do in the premises shall be reported to the next General Assembly for their approval."

Cumberland University Reports

To the General Assembly of 1850, in session at Clarksville, Tenn., the Board of Trustees of Cumberland University reported: (1) "that they cordially approve of the proposition contained in the resolutions passed by the last Assembly"; (2) that they "could not dictate to the Assembly either the means to be employed or the connection the department shall have with the University, but prefer that both shall originate, or at least be matured by the Assembly, expecting to adopt and be satisfied with the action of the Assembly"; (3) that their "charter authorized the establishment of a theological department under such rules and regulations as may be agreed upon between the Church and the Board of Trus-

tees—the Church may name such professorship and appoint the professor, if desirable"; (4) that they had obtained an amendment to their charter, "which amendment requires all appointments of trustees of the institution hereafter to be made, to be submitted to the General Assembly for approval or rejection, with power to fill the vacancies when the appointments made by the trustees are not ratified. By this regulation the trustees expect to make, what they had previously provided for by resolution, doubly secure and certain, that the board shall always be composed of members of the Cumberland Presbyterian Church. This would be desirable under other circumstances, but particularly for an institution that has a theological department connected with it."

It will be seen that the reply of the Board of Trustees of Cumberland University was both cordial and elaborate. The overtures of the Assembly would have been answered had the board stopped with its first statement, saying that "they cordially approve of the proposition," but the board went further, as if to remove any doubt that the school so founded would be under Assembly control. The board went so far as to express the desire that both "the means to be employed" and "the connection the department shall have with the University" should "originate, or at least be matured by the Assembly."

Attention had been called, through the Church press, to the fact that in case theological departments should be established in connection with these two institutions, under their charters, the Assembly would not have the power to appoint professors or to control funds raised for the benefit of these departments. To this the board of Cumberland University replied that their

charter "authorizes the establishment of a theological department under such rules and regulations as may be agreed upon between the Church and the Board of Trustees," but in order to make their position stronger with the Assembly, the board reported that they had secured an amendment to their charter, which "requires all appointments of trustees . . . to be submitted to the General Assembly for approval or rejection, with power to fill the vacancies when the appointments made by the trustees are not ratified."

Committee on Plan Appointed

The Board of Trustees of Cumberland College made no formal reply to the request of the Assembly to create "an endowment fund" for the establishment of a theological department in that college, but the Rev. Dr. Richard Beard, President of the college, reported, informally, that the board was in favor of the proposition. The Assembly of 1850 appointed a Committee "to mature a Plan for the establishment of theological departments in the said institutions, and report the results of their deliberations to a subsequent Assembly." The Committee consisted of "R. Beard, D.D., T. C. Anderson, Milton Bird, Hon. N. Green, Prof. A. Freeman, David Lowry, and R. R. Lansden." The General Assembly of 1851 met in Pittsburgh, Pa. The Committee reported that it had been unable to meet at the designated time to mature a Plan, on account of the prevalence of cholera. The Committee was continued, and directed to report in 1852.

A Surprise Is Sprung

But in the meantime new interest, not to say solicitude, had been excited by an unexpected occurrence. The Synod of West Tennessee, and

Bethel College, about one year old, then located at McLemoresville, Tenn., had taken steps looking to the establishment of a theological department in said college. The Synod took action late in 1851, and the department was opened in February, 1852, only about three months before the time for the Assembly to hear the report of its Committee. The demand for the founding of a theological seminary had grown in the Church. There was no doubt that the Assembly of 1852 would take a decisive step in meeting the demand. Notwithstanding this fact, the Synod of West Tennessee and Bethel College rushed ahead, without denominational approval, and announced their purpose to appeal to the whole Church for funds. This was quite enough to cause anxiety. But this was not all.

The Rev. Dr. Reuben Burrow was elected Professor of Theology in the new institution. His election provoked a bitter controvery. It was thought by some that he was not sound on some of the doctrines of the Church. The Rev. Dr. B. W. McDonnold, the Church historian, writes of the "sharp controversies between the Rev. Dr. Burrow and his brethren generally on various doctrines wherein Burrow differed from the Confession of Faith. . . . There were so many points in which Burrow departed from the traditional teachings of the Church, and he pressed his views so persistently in the Church papers, that one Presbytery finally took official action, warning its young preachers against these doctrines."

In addition to the doctrinal controvery there arose a question of denominational policy. The right of the Synod of West Tennessee and Bethel College to assume such an important role was seriously questioned. Then, their plan to appeal to the whole Church for funds did not make a

favorable impression. It has been noted that the opinion in the Church, from 1848 to 1850, had been gravitating toward the idea of only one theological seminary for the Church, and that one to be under Assembly control. The action of the Synod of West Tennessee and Bethel College tended to crystallize the sentiment among the leaders of the Church on this line of policy. More and more were the leaders convinced that the Church needed but one seminary; that it was not able to support more than one; and that that one should be under the direct control of the Assembly. Several of the most vigorous writers of the day took this view. Among them was a writer signing himself "Malcolm," who evidently was Judge R. C. Ewing, a leading elder, author of "Historical Memoirs." Another wrote over the letters "T. P. C." He was the Rev. T. P. Calhoun, a son of the Rev. Thomas Calhoun. He was a young man of fine character and scholarship, having taken his seminary training at Andover. The Rev. Dr. F. R. Cossitt, the first President of Cumberland College and also the first President of Cumberland University, advocated this view both in the press and by personal correspondence. He wrote three letters to the Rev. Dr. Richard Beard on the subject. He and others urged that if the jealousies existing between Cumberland College and Cumberland University could not be overcome, so all would be satisfied with the establishment of a school for the whole Church in one or the other of these institutions, then the Church should found its theological school separate and distinct from all literary institutions. This conviction was probably as strong when the Assembly met in 1852, as the conviction that there should be Assembly control.

So when the time for final action came three fundamental principles had been settled, in the opinions of the leaders of the Church, viz., (1) that the Assembly must always have the control of professors in the school; (2) that the Assembly must likewise be able to control the funds belonging to the school; and (3) that one theological school would meet the demands of the Church, and that the Church could not adequately support more than one.

The "Plan" Adopted by the General Assembly

With these three convictions settled in the mind of the Church, the Committee, appointed in 1850, "to mature a Plan" met in Nashville, Tenn., on May 17, 1852, the day before the Assembly convened, in the same city. The Committee had been divided into two sections, the Princeton and the Lebanon. Correspondence had been carried on, not only between the members of the Committee, but also with other leading ministers in the Church. So the cardinal principles of the Plan had been practically settled before the Committee convened. When the Committee was appointed two years before, the Church had not definitely reached the conclusion to establish but *one* theological school. The Committee was under instruction to draw a Plan for two schools, and hence had no choice in the matter, though the Committee stated its "opinion that it would be inexpedient to attempt the contemporaneous establishment of more than one."

In its preliminary statement the Committee said:

"Several leading questions are regarded as foreclosed by the action of previous Assemblies.

"1. It has been decided that one or more schools for theological instruction are desirable.

"2. The Assembly has decided that such schools should be in connection with the literary institutions of the Church, and made overtures with that intent.

"3. It has provided that those departments shall be under its supervision.

"4. It has authorized the trustees of Cumberland University and Cumberland College to take measures to raise an endowment fund for the establishment of theological departments in these institutions.

"The Plan which your Committee have been instructed to mature, must be drawn in accordance with what has been done in the premises.

"Two cardinal points have been settled. First: the trustees are to create the endowment fund; and secondly: the department is to be subjected to the control of the Assembly. Keeping an eye upon these two cardinal points, the Committee recommends the following Plan:" etc. The Plan, too long to insert in this connection, may be found in the Assembly Minutes of 1852, pages 38 to 42. It was reprinted in the Assembly Minutes of 1901, pages 76 to 79. Before the adoption of the Plan, the Assembly sat through two sessions as "a Committee of the Whole," making some amendments, and then recommended the Plan, as amended, to the Assembly, which was then adopted by the Assembly.

Accepted by the Board of Cumberland University

Cumberland College here dropped out of the picture, even though the Plan had been so drawn that it might have gone forward in the establishment of a theological department. After the

adoption of the Plan, "the Assembly proceeded to locate the institution provided for," in the report of the Committee, "which resulted in the election of Lebanon, Tenn."

The Board of Trustees of Cumberland University, in 1850, had reported to the Assembly that it "could not dictate to the Assembly either the means to be employed or the connection the department shall have with the University, but prefer that both shall originate, or at least be matured by the Assembly, expecting to adopt and be satisfied with the action of the Assembly." The Assembly, after the adoption of the Plan, in 1852, accepting the communication from the Board of Trustees of Cumberland University, of 1850, selected Lebanon for the location of the school. The Board of Trustees, in a fine spirit, "accepted" the Assembly's Plan, as indicated by an action of the board on June 15, 1852, reading as follows:

"*Whereas,* The board has heretofore accepted the overture of the General Assembly of the Cumberland Presbyterian Church, at its session of 1849, at Princeton, Kentucky, to establish a theological department in this University; and, whereas, a Committee was appointed to present a Plan for the same, who made their report to the last session of the General Assembly, which was held in the City of Nashville, when the same was accepted, and a theological school was adopted, as a department in this University, for the whole Church, which having been duly considered, by virtue of the power conferred upon this board by its charter, it is hereby

"*Resolved,* That the proposition of the General Assembly to establish a department of theology in this University is hereby accepted on the terms contained in the Constitution and Resolutions

adopted at the last session of the Assembly, and a theological department is hereby established in this institution."

Pledge of the Board to the Church

Through the Church press, under date of September 3, 1852, an "Earnest Appeal" was made to the Church for funds for an endowment of the theological department. This "Appeal" was signed by R. L. Caruthers, President, and Jo M'Clain, Secretary of the board. In the "Appeal" it was stated that "after many years' consideration and anxious prayer, our Church, at its last General Assembly, with unexpected unanimity, determined to establish one theological school for the whole Church. It was their will and pleasure, by a fair and free vote, to make it a department in this University. A Constitution was adopted, which has been published in the papers of the Church, under which this board are bound, and it is its pleasure to act." After a statement as to the method of procedure, the "Earnest Appeal" was closed with the following sentence: "It [the board] pledges itself, should ever the department be discontinued, or removed by the General Assembly, to place said fund under the control and disposition of that body." The board gave broad publicity to this "Earnest Appeal," requesting "all the papers in the Church" to publish it.

In keeping with the terms of the resolution of June 15, 1852, and the "Earnest Appeal" of September 3, 1852, the board prepared a form of note to be signed by subscribers to the fund. The first response to this "Appeal" came in the form of one of these notes, reading as follows:

"$1,000.00.—I obligate and bind myself to pay to the trustees of Cumberland University at Leb-

anon, Tennessee, one thousand dollars for the endowment of the theological department of the same, on the Plan adopted by the last session of the General Assembly of the C. P. Church, with such alterations and amendments as that Body may see fit to make—one-fifth with interest on the whole amount unpaid, to be paid annually from the 1st day of January, 1853," etc. This was a sample of the notes used.

The Plan (called a "Constitution" by the board) specifically provided that the "fund" raised for the theological department "shall be subject to the control of the Assembly." The Plan (or Constitution) further provided that "if the Assembly shall appoint a separate board, when it is incorporated, the trustees of the University . . . shall deliver over to said board all funds raised for the theological department, both principal and interest, except so much of the interest as may have been expended for the benefit of the department;" etc. The phraseology of the "Earnest Appeal" and the form of note prepared by the board, clearly indicate that the board was undertaking to carry out the principles of the Plan (or Constitution), which on June 15, 1852, it "accepted on the terms contained in the Constitution." It will be seen that there was a perfect understanding and hearty and sympathetic cooperation between the General Assembly and the Board of Trustees of Cumberland University in the establishment of the theological school.

Relation to the University

Referring to the Plan (or Constitution) the Rev. Dr. B. W. McDonnold, a former President of the University and the Church historian, said:

"This school belongs not to Cumberland University, but to the whole Church. Not the trustees of the University, but the General Assembly planned and inaugurated this department . . . The Church's theological school is a department of the University only so far as such relation is supposed to be serviceable to this school, but it is something more than a mere department. It has relations independent of the University. The propriety of having a separate board of trust for it has often been discussed, but its own interests are against such a separation. The charter for this department differs greatly in its provisions from the charters of the other departments." The right of the Assembly to appoint "a separate board" for the theological school was clearly recognized by the Board of Trustees of the University, in actions cited in this sketch.

The School Opened in 1854

To the Assembly in 1853, the Board of Trustees of the University announced the election of the Rev. Dr. Richard Beard to the Chair of Systematic Theology. The nomination was promptly confirmed. The school was opened on March 13, 1854. In addition to the one Professor who taught theology, Greek and Hebrew, there were two lecturers in the faculty. The attendance was not large, but there was a healthy growth in both numbers of students and endowments for those days. Pending the securing of an endowment sufficient to support the Rev. Dr. Beard, the citizens of Lebanon, be it said to their credit, raised his salary. The Civil War destroyed buildings, library and endowment. The school was gradually revived after the war, but this period is not included in this sketch.

The Substitute Charter of 1858

From the Story of the Founding of the theological school, as set out herein, it appears that there were two parties to the transaction, the General Assembly being the party of the first part and the Board of Trustees of Cumberland University being the party of the second part. As has been seen, the two parties understood each other and worked together in perfect harmony, under the Plan (or Constitution) of 1852. Under this Plan the theological seminary was established as a department in the University, under the charter of 1843 as amended in 1850. It is a well recognized principle in law that a contract can neither be abrogated nor changed without the concurrent action of both parties. But for some reason, never explained, a new charter for the University was enacted by the Legislature of Tennessee, on March 2, 1858. Strange as it may seem, this appears to have been done without the request, consent or even knowledge, of the contracting parties. The records of both the Assembly and the Board of Trustees are silent on the subject. The new charter, in its bearing on the theological school, differs materially from the charter under which the school had been made a department of the University. The Assembly met shortly after this legislative enactment. To this Assembly the Board of Trustees of Cumberland University made a report which was referred to the Committee on Education, of which President T. C. Anderson was the Chairman. The report of this Committee makes no allusion to the charter of 1858, which it is reasonable to believe it would have done had the board's report made any reference to it. Moreover, in that Assembly were three commissioners from Lebanon, all noted men, connected with the University, viz.,

R. L. Caruthers, President of the Board of Trustees; the Rev. Dr. T. C. Anderson, President of the University, and the Rev. Dr. Richard Beard, Professor in the theological school. This group of men must have been ignorant of the new charter, else they would have informed the Assembly about it. Had they informed the Assembly, the fact surely would have been noted in the records. Besides, these men supported the Plan and the charter under which the theological school was established. They would not have favored the new charter, unless both parties to the contract had known about it, and favored it.

A careful comparison of the charter of 1843, as amended in 1850, with the charter of 1858 shows that the latter was *a new charter, not an amendment.* The texts of the charter of 1843, the amendment of 1850, and the charter of 1858, may be found in the Minutes of the Assembly of 1901, pages 87 to 90.

The charter of 1843, Sec. 1, provided "that a University be established at the town of Lebanon, Wilson County, at the place so selected, which shall be denominated *Cumberland University.*" In Sec. 2, the names of the members of the Board of Trustees are given, followed by the statement that they "and their successors, are hereby constituted a body politic and corporate, to be known by the name of the Trustees of Cumberland University," etc. The amendment of 1850 reads: "That the charter of Cumberland University, at Lebanon, passed 30th December, 1843, is hereby so amended as that appointments by the Board of Trustees," etc. It is clearly stated here that the act of 1850 is an *amendment* to the act of 1843.

In the Public Acts of the State of Tennessee, for the years 1857-8, entitled "An act to incorporate Spring Hill Academy, in the County of White, and for other purposes," passed March 2, 1858, is

the following: "Sec. 16, *Be it further enacted,* That the present Trustees, and their successors, of Cumberland University, at Lebanon, be a body politic and corporate, by the name and style of the Trustees of Cumberland University, and by that name it shall have succession, sue and be sued," etc. No intimation is here given that this act is intended as an *amendment* to a previously enacted charter, as in the case of 1850. The charter of 1843 constituted the Board of Trustees as "a body politic and corporate," one that might "sue and be sued, plead and be impleaded, make and receive titles to property, both real and personal, and do such other things as bodies corporate by law may do and perform," etc. It will be seen that the powers granted to the board in the charter of 1843, were also granted in the charter of 1858, a procedure as unnecessary as unusual, if the 1858 enactment were intended only as an *amendment.*

Space will permit but one additional specification, that of Sec. 22. *"Be it further enacted,* That the Trustees may, at any time, establish departments of theology, law, medicine or agriculture, in the University," etc. This language implies that none of the departments named had as yet been established, under legislative permission. But as a matter of fact the law department had been in existence for eleven years, and a theological department had been in existence for four years, under a Plan or Constitution agreed upon between the Assembly and the board two years earlier. It seems clear that the charter of 1858 was intended as a *substitute* charter; and history shows that it was so used.

This legislative act recalls a statement made by President Anderson about the charter of 1843. He said that that charter, in the original draft as submitted to the Legislature, had in it a pro-

vision that a majority of the trustees "shall be members of the Cumberland Presbyterian Church," but for some reason unknown to him the Legislature cut out this provision. This legislative cut became a source of embarrassment to the board. To make amends for it, as far as possible, the board passed the resolutions mentioned above, and later had the provision, which had been stricken out in 1843, incorporated in the amendment of 1850.

For years the impression prevailed in the Church that the charter of 1858 was the charter of 1843 as amended in 1850, the one under which the school was made a department of the University. It was not until 1901 that the attention of the General Assembly was called to this legislative act of 1858. Members on the Board of Trustees, as then constituted, were under the impression that the charter of 1858 was the charter of 1843 as amended in 1850. There was no one living who could explain this mysterious charter. In this connection it should be stated that the board had administered its trust with reference to the theological school in a manner entirely satisfactory to the Church. The Assembly had frequently commended the board for its fidelity.

Nevertheless, the discrepancies between the two charters, in their bearing on the theological school, gave the General Assembly grave concern. The Assembly felt that its authority, as expressed in the charter of 1843 as amended in 1850, should be recognized. To this end friendly negotiations were opened with the Board of Trustees, which resulted in an agreement that the Board of Trustees would secure certain amendments to the substitute charter. These amendments were secured, and so the matter was amicably closed.

The Substitute Charter of 1858

Supplemental Facts and Interpretation*

On March 2, 1858, the Legislature of Tennessee passed *"An Act to incorporate Spring Hill Academy, in the County of White, and for other purposes."* This bill originated in the Senate, known as Bill No. 79, and was introduced by H. Denton. At the same session of the Legislature, Edward I. Golladay, the representative in the House from Wilson County, in which Cumberland University is located, introduced *"A Bill to reduce into one Act, and amend the Charter of Cumberland University."* This bill contained nine sections, numbered consecutively from 1 to 9. For some mysterious reason this bill was later changed to an *amendment* to the Denton bill.

The Denton bill became a hotchpotch of nine different subjects. Among other things it incorporated three academies, one female seminary, two societies, one lyceum, and Cumberland University. The Golladay bill having been thrown into the hotchpotch, its sections were renumbered 16 to 25 to make it fit into the seventh place in the hotchpotch to which it was assigned. The title of the bill was dropped. It does not appear in the official printed record.

Why was the Golladay bill changed to an *amendment* to the Denton bill? Why was it not passed as introduced? Legislative courtesy would have lent itself to this end. The bill, instead of being piloted through as a separate measure, was permitted to be incorporated into the hotchpotch, and so subordinated Cumberland University, an

* Since the publication of the preceding pages of this booklet, the author has made further investigation with reference to the substitute charter of 1858. The results of this investigation are incorporated in the following pages.

educational institution with a national reputation, to a small country academy which named the Act.

Whatever the answer to these questions may be, as noted on page 32, the enactment of this substitute charter did not become generally known until 1901. It was buried out of sight under the meaningless phrase *"for other purposes."* The "Public Acts" in which the new charter was printed had no index. Its table of contents was inadequate. The name of Cumberland University does not appear in it. Aside from lawyers this book fell into few hands. To discover this substitute charter one would have to read the dry, technical book page by page until he reached it. Aside from a few members of the Legislature passing the Act, very few people knew that such a charter had been enacted. Only a few lawyers ever read it, and most of them had no interest in it.

The lack of knowledge of the new charter is well illustrated in the case of a well-known Church historian. The Rev. Dr. J. B. Lindsley, in 1876, published an informing article on Cumberland University. In the preparation of the article he consulted the University records. He traced with accuracy the history of the University through the 40s and 50s. He dealt with the amendment to the charter in 1849, reported to the Assembly in 1850, printing the text in full, but made no allusion to the charter of 1858. This Act of 1858, section 26, authorized the Trustees of Campbell Academy, at Lebanon, "to transfer to the Trustees of Cumberland University, all the property under their control, for the use of the preparatory department of the University." No reference is made in this article to this legislative act; but the author states that in 1854, four years before the act was passed, there was a

"union of Campbell Academy with the preparatory school" of the University. This "union" seems to have been merely one of cooperation. If the author knew of this Act of 1858, it is strange that he makes no reference to it, since section 26 authorized a legal merger of the academy with the preparatory school. The author was writing in 1876, eighteen years after the Act of 1858. Evidently he had never seen or heard of *"An Act to incorporate Spring Hill Academy, in the County of White, and for other purposes."*

If the Rev. Dr. Lindsley, in 1876, had no knowledge of this Act, it is not strange that the Church was ignorant of it. In 1901, when attention was drawn to this substitute charter, members on the Board of Trustees of the University were under the impression that this charter was the charter of 1843 as amended in 1849 and reported to the Assembly in 1850. The Board took official notice of the amendment of 1849, but no notice of this substitute charter. Why not? Evidently because it had no knowledge of its existence!

Shortly after the enactment of this charter the country was in the throes of the Civil War. The University lost everything, except its fine reputation as an educational institution. After the war, under most discouraging circumstances, it began to recover from its chaotic condition. In the meantime little or no attention was given to charter matters. But by and by the substitute charter was brought forward, possibly by the same moving spirit that led in securing its enactment. No critical attention was given to it, and so it was generally believed to be the original charter, as amended in 1849, the one under which the theological school had been made a department in the University. Such seems to be a rea-

sonable interpretation of the origin and history of the substitute charter.

It has been shown (page 29) that neither the General Assembly nor the Board of Trustees had any knowledge of the movement to secure a new charter. Two questions are suggested: (1) What was the *occasion* which led to the securing of a new charter? (2) *Who was the moving spirit* in securing its enactment?

In considering the first question, attention is called to differences of opinion which existed between leaders of two groups in the Church. The major group had determined that the Church should establish but one theological school, and that it should be under the control of the General Assembly. Proceeding on these plans it had founded a school and located it at Lebanon, as a department in Cumberland University. The smaller group advocated synodical or presbyterial schools, and had anticipated the Assembly by opening a synodical school. Thus the two parties advocated different policies with reference to theological education. The leaders of the two parties differed also on some theological questions. See page 20*ff*.

Again, the Plan agreed upon by the General Assembly and the Board of Trustees, under which the theological school had been made a department in the University, stipulated that the endowment for the school "shall be subject to the control of the Assembly"; that the Assembly "at its discretion" may "appoint, and cause to be incorporated, a separate Board of Trustees"; and that if such should be done, the Board of the University "shall deliver over to the said Board all funds raised for the theological department, both principal and interest." Here is an implication that "a separate Board of Trusteees," if

appointed and incorporated, might remove the school from Lebanon.

It, therefore, would not be unnatural that some might have a foreboding that the minority party, at some future date, might be in control of the Assembly; and actually "appoint, and cause to be incorporated, a separate Board of Trustees," and, under the Plan, take over the theological school, and remove it from Lebanon. This might possibly happen under the Plan and charter under which the school was being operated, but under such provisions as were later embodied in the substitute charter of 1858, if the provisions stood the tests of the courts, this could not be done. A charter with these provisions would erect a barrier in the way of a separate Board, and at the same time of removal.

But how could such a charter be secured? There was no hope that the Assembly and Board, by concurrent action, would take a step in this direction. Any change, therefore, would have to be secured without the concurrent action of the two parties to the original contract. Even if the Board could be persuaded to advocate a change in the charter, it was morally certain that the Assembly would veto it.

The only way, then, to secure a new charter was to appeal to the Legislature, without action on the part of the contracting parties; in fact without their knowledge, for this would block the move. Logically for the accomplishment of this end, the representative of Wilson County would be requested to introduce a bill in the Legislature, embodying the desired provisions; and, apparently, this is what actually was done. The representative would be supposed to be responsive to an appeal made from an influential source. This he might be with the best of motive, not knowing

that he was treading on contested ground should the move become public knowledge. The Legislature as a whole would have little interest, and likely less information, in a measure proposed by the county representative. Moreover this Legislature was not familiar with the Plan and charter under which the theological school had been made a department in the University; and hence readily would accommodate the representative from Wilson, in securing the substitute charter. Apparently this was the course pursued.

But who was the *moving spirit* behind the county representative? This question probably never will be answered. Since ministers are generally recognized as leaders in church affairs, some might think that the *moving spirit* was ministerial. But such was not the case. No minister of the gospel had anything to do with it; no minister of the gospel had any knowledge that such a thing was being maneuvered through the Legislature. Three prominent ministers, closely related to the University were residing in Lebanon, at the time the new charter quietly was being pushed through the Legislature, to-wit: the Rev. Dr. T. C. Anderson, the second, and then, President of the University; the Rev. Dr. F. R. Cossitt, the first President of the University; and the Rev. Dr. Richard Beard, professor in the theological school. Each of these men supported the Plan, under which the school was made a department in the University, and they all continued their loyal support of the Plan. Not one of these ministers would have stultified himself by lending his name and influence to any such secret movement.

The Rev. Dr. B. W. McDonnold, in gathering source materials for his history of the Cumberland Presbyterian Church, collected a large num-

ber of personal letters, written by leaders in the Church. These letters were stored in the University library, where the author of this booklet had an opportunity to examine them. No one familiar with these letters and articles in the Church papers of this period would ever suspect any of these ministers of having had anything to do in the enactment of the substitute charter of 1858. The responsibility for this charter does not rest on ministerial shoulders.

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RICHMOND, VA.

A Review

—OF—

REV. DR. W. P. BONE'S HISTORY

—OF—

Cumberland University Theological School

(*Lebanon Theological Seminary*)

—BY—

REV. JOHN VANT STEPHENS, D.D.

For Fifteen Years
Professor of History in Said School

Author of the Story of the Founding of The Theological School in the Cumberland Presbyterian Church, The Lebanon Theological Seminary, The Story of the Founding of Lane, The Presbyterian Churches, Presbyterian Government, Etc.

CINCINNATI, OHIO
1936

BY WAY OF INTRODUCTION

An accurate, dependable history includes a fair, lucid statement of all essential facts, and a logical interpretation of the facts. Of the first there is no room for a difference of opinion; of the second there is room for such difference, for here the personal equation becomes a factor. A difficulty met by the historian is the subordination of this equation.

A perusal of these pages will show that Dr. Bone and the Reviewer hold different views, sometimes exactly opposite, on several subjects treated in his history of the theological school of Cumberland University. For instance they hold opposite views with reference to the action of the Assembly on the Woods resolution. They do not agree on the factual finding on the charter of 1858. An unsolved mystery hangs over this charter. It was enacted in 1858, and yet the Church never heard of it until 1901. In 1901, members on the Board of Trustees of Cumberland University were under the impression that they were serving under the charter of 1843 as amended in 1849.

The student of Church history does not lose his interest in incidents of the past, even though nothing of a practical nature is longer connected with them. By and by some historian will write a history of theological education in the Presbyterian Church in the U. S. A. He will be grateful for all source materials available, especially

the forgotten and overlooked. He will weigh their value and write in the light of the facts.

Dr. Bone and the Reviewer amicably disagree on factual findings and the interpretation of facts. This lack of agreement, however, does not affect their personal friendship. Each gladly accords to the other that which he claims for himself.

The Reviewer extended to Dr. Bone a personal courtesy in sending to him, weeks before the review went to press, a letter containing a tentative copy of it. Its appearance from the press will be no surprose to him. In the communication sent to him, the Reviewer said: "May I, in a brotherly way, call your attention to a few (not all) of your statements about the theological school, which, in my opinion, need revision. I am encouraged to do this, in the belief that each of us desires historical accuracy, regardless of personal predilections, and that each will welcome suggestions which would enable him the more closely to approximate this goal. I am further encouraged to make these suggestions from the fact that about fifty years ago we were both graduated, in the same class, from this school; and later for fifteen years were colleagues in its faculty."

To this letter Dr. Bone graciously replied, saying: "I thank you for your letter, with its comments and suggestions. They will get my earnest attention."

JOHN VANT STEPHENS.

February 4, 1936.

A REVIEW

— of —

Rev. Dr. W. P. Bone's History of Cumberland University Theological School

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Dr. Winstead Paine Bone has published "A History of Cumberland University," an attractive volume of three hundred pages. He made a careful compilation of earlier published biographical sketches and added to these a number of his own. In this he has rendered a distinct service for the University. After the founding of the University, aside from the history of the theological school, the Reviewer is not sufficiently familiar with all the facts to enable him to express a critical judgment on the book as a whole. It is to be hoped that it will be read by many with both interest and profit. The review is limited to the theological school.

Years ago there were stored in the University library a number of bound volumes of early Church papers, and scores of personal letters from early leaders of the Church, collected by Dr. B. W. McDonnold, when writing the History of the Cumberland Presbyterian Church, over fifty years ago. These invaluable source materials throw a flood of light on the founding of the theological school. It is to be regretted that Dr. Bone did not make free use of these materials.

The Reviewer has had occasion to give special attention to the history of the founding of the school. He is the author of some publications

bearing on the subject. Reference to these publications, and others, will be made in this review, for the benefit of those who may desire to make a more detailed study of the subject.

The attention of the Reviewer was first called to the story of the founding of the theological school, when, under appointment by the General Assembly of the Cumberland Presbyterian Church, he was assembling the materials for and editing "The Cumberland Presbyterian Digest," a book of six hundred large pages, thirty-seven of which are given to this school. The book was issued in 1899. The Secretary of the Board of Trustees of Cumberland University, on request, furnished a printed copy of the charter of the University for publication in the Digest. The Secretary and other members of the Board stated that the copy furnished was the charter of 1843 as amended in 1849, the charter under which the theological school was made a department in the University. This charter will be referred to as the charter of 1843-49. The copy furnished was printed under the caption "The Amended Charter of Cumberland University," and it was so reproduced in the Digest.

It was learned later that the Board members were mistaken as to the identity of the charter furnished for publication in the Digest. It was not the charter of 1843-49, as it was supposed to be, but one secured in 1858, as was afterwards learned. This surprise charter will be considered later. The Digest was generally regarded as being accurate. It was used as an authority in the Church courts, and in various State and Federal courts in the litigation growing out of the Church Union of 1906.

In 1933, on the request of friends of the theological school, the Reviewer published "The Story of the Founding of the Theological School in the Cumberland Presbyterian Church," referred to in this review as "The Story of the Founding." He was a member of the faculty of this school for fifteen years, during which time he gave special attention to the invaluable source materials, mentioned above, making extensive copies, which he used in the preparation of this Story. Without these copies it would have been impossible for him to have written a complete, accurate Story, for which he received many letters expressing appreciation. An editorial review of the booklet appeared in *The Presbyterian Advance,* from which the following is quoted:

"No man is better qualified to tell the story of the founding of the Lebanon Theological Seminary than Dr. Stephens, who, before going to Lane, was professor of history in that school, and who had access to source materials which give a clear picture of the conditions out of which the seminary came to be established. Dr. Stephens has succeeded admirably in giving to us in a very concise form a clear understanding of the founding of the Lebanon Seminary—an understanding which could not be arrived at without an elaborate search through a mass of very long articles written at the time. The pamphlet is an exceptionally valuable historical document."

In 1934, the Presbyterian Theological Seminary, Chicago, celebrated the eightieth annivarsary of the opening of the Lebanon Seminary. On that occasion the Reviewer gave an address on "The Lebanon Theological Seminary," in which he presented a brief sketch (full as the time

permitted) of theological education in Lebanon. The address was published, and is referred to in this review as "The Chicago Address." Many letters of commendation were received on this address. Dr. James E. Clarke, editor of *The Presbyterian Advance,* wrote an introduction to this booklet, from which the following is quoted:

"Long noted for his painstaking care in dealing with historical matters, Dr. Stephens in the recent preparation of two pamphlets, the earlier one, entitled 'The Story of the Founding of the Theological School in the Cumberland Presbyterian Church,' has rendered a service which probably no one else could have rendered. Without his work there would have been a missing link in Presbyterian history."

Later the Reviewer published "The Substitute Charter of 1858, Supplemental Facts and Interpretation," referred to in this review as "Supplemental Facts." These extra pages were added to "The Story of the Founding of the Theological School in the Cumberland Presbyterian Church." These two publications, including the "Supplemental Facts," were bound in one volume, copies of which have been placed in a number of libraries, including the Congressional Library and the library of Cumberland University, for the convenience of those who may wish to consult them. Following these preliminary remarks, it is in order to review Dr. Bone's history of Cumberland University Theological School.

The Woods Resolution

On May 24, 1850, the Assembly adopted what is known as the Woods resolution, in which it is

stated "that the General Assembly approve of the amended charter of Cumberland University, giving her the right of confirming or rejecting the nominations for Trustees of said University, and that we will hereafter accept that right."

Of this action of the Assembly, Dr. Bone, page 217, says, "The right to fill vacancies when the appointments made by the Trustees are not ratified, *was not accepted by the Assembly* (Reviewer's italics) (and hence the Trustees withdrew that offer in the amended charter of 1858)." On what authority does Dr. Bone make such a sweeping statement? By reference to page 225 of his history, it seems probable that he had in mind a report made by the Board to the General Assembly of the Cumberland Presbyterian Church in 1902, in which the Board expressed the opinion that "the Assembly [of 1850] declined to accept the power and duty of appointing members of this Board, and accepted the amendment only in so far as it gave the right to pass on nominations made by the Board." (See Minutes, 1902, page 63a.) But if Dr. Bone rests his unqualified statement on this opinion of the Board, he fails to add what accuracy demands, namely, that the Assembly did not concur in the Board's opinion. He fails to state that the Board and the Assembly in 1850 and 1852 had interpreted the action on the Woods resolution in a manner exactly opposite to his interpretation, and that of the Board in 1902, as will be shown below.

In 1901, members on the Board, as already indicated, were under the impression that the charter of 1858 was that of 1843-49. The discovery of this mistake was, of course, confusing.

It was perhaps natural then that special pleading might be wanting in historical accuracy; but it is strange now, over thirty years later, that Dr. Bone accepts without question the unsupported opinion of the Board, when a careful examination of the Minutes of the Assembly, on the next page after the record of the action on the Woods resolution, would have set him right. As a matter of fact, both Dr. Bone and the Board are mistaken. *The Assembly did accept "the right to fill vacancies when the appointments made by the Trustees are not ratified."* The proof of this statement is three-fold.

Historical Steps

In the first place, the succession of historical steps, in making provision for the training of the rising ministry, prove that the Assembly, in adopting the Woods resolution, did accept "the right to fill vacancies when the appointments made by the Trustees are not ratified." From an early date the Church was intent on providing theological education for its candidates for the ministry. (See "The Story of the Founding," pages 8, 9; Digest, pages 515-521.) It was a question for a time whether such education should be organized as a department of an existing literary institution, or independent of such relation. Both views had advocates, but opinion gravitated to the former. However, there was a real difficulty to be overcome. It was held that the *institution to be established must be under the supervision of the Assembly.* There was but one way in which this could be reached—the Assembly must have the final voice in the selection of Trustees of the institution with which the proposed theological school might be identified.

The old files of Church papers and letters, referred to above, not to mention Assembly actions, leave no doubt as to the position of the Church leaders with reference to the advisability of the Assembly's maintaining a firm control of both theological funds and teaching. Such was the position, to mention a single instance, of that outstanding leader, Rev. Thomas Calhoun, twice Moderator of the Assembly and the first President of the Board of Missions. His counsels were sought by and had great weight with his brethren. Dr. F. R. Cossitt, the first President of the University (he was President when it was yet advertised in the papers as "Cumberland College, at Lebanon, Tenn."), and later editor of the Church paper, gave able editorial support to the position of Mr. Calhoun.

There were but two institutions to which it would have been feasible to relate a theological department, namely, Cumberland College, at Princeton, Ky., and Cumberland University, at Lebanon, Tenn. But in neither of these institutions did the Assembly have any voice in the selection of Trustees. These institutions were strong rivals. Cumberland University had been severely criticised, whether justly or unjustly is not material, and so had this unfavorable impression to overcome.

The Assembly of 1848 appointed a "Committee on the Establishment of a Theological Seminary." (See Minutes, page 22; Digest, page 515.) This committee submitted a lengthy report to the Assembly of 1849, which was adopted. The report dealt with various details; but especially emphasized *"that the theological department be under the control of the General Assembly, which*

shall have power to define and establish professorships and elect professors, and control the proper investment of the funds." (Reviewer's italics.) (See Minutes, page 32; Digest, page 516.) A feeler was put out. Cumberland College and Cumberland University were "permitted and requested to create an endowment fund for the establishment of such schools, under the patronage of this General Assembly." But before either of these institutions could secure a theological seminary as a department, it was absolutely necessary that the Assembly be given a final voice in the selection of Trustees, since in no other way could a theological school connected with either of these institutions be under Assembly supervision.

The 1850 Amendment

Cumberland University was anxious to secure the contemplated school as a department. But that astute lawyer, Judge Robert L. Caruthers, President of the Board of Trustees, well understood that without an amendment to its charter, giving the Assembly a final voice in the choice of Trustees, there was no chance to secure the prize. The University charter, issued in 1843, had to be amended. So, under the leadership of Judge Caruthers, the Board secured an amendment in 1850 which it reported to the Assembly in 1850. (See Minutes, 1850, page 42; Digest, page 520.)

In their report to the Assembly, the Trustees said that the amendment "requires all appointments of Trustees of this institution hereafter to be made, to be submitted to the General Assembly for approval or rejection, with power to fill

the vacancies when the appointments made by the Trustees are not ratified." The report continued, "by this regulation the Trustees expect to make . . . . doubly secure and certain, that the Board shall always be composed of members of the Cumberland Presbyterian Church." (See Minutes, 1850, page 42; "The Story of the Founding," pages 19, 20; Digest, page 520.) In the amendment of 1849 and their report to the Assembly the Trustees fully met the condition that had been imposed by the Assembly, *in giving that body the final voice in the choice of Trustees,* the only way in which it could exercise that supervision over the contemplated theological school, for which it had stood from the inception of the movement to found such a school. Thus the Board and the Assembly were in hearty accord. It now remained only for the Assembly to place its formal approval on what the Board had done.

The Assembly Approves the 1849 Amendment

When the Board's report was laid before the Assembly, the usual perfunctory "motion to adopt the report" was made. "Pending the discussion, Bro. Woods moved to so amend, that it would read as follows:

"*Resolved,* That this General Assembly approve of the amended charter of Cumberland University, giving her the right of confirming or rejecting the nominations for Trustees of said University, and that we will hereafter accept that right." The resolution "was adopted almost unanimously." (See Minutes, page 13; Digest, page 520.) In this Assembly we find President

Anderson, Rev. Thomas Calhoun, Dr. Richard Beard and Rev. Lee Roy Woods, the author of the resolution, who was a man of keen insight, and a prominent leader in Church and State. This Assembly had a number of other prominent commissioners who stood with Rev. Thomas Calhoun, Dr. F. R. Cossitt and others in insisting *that the Assembly must have the final voice in the selection of Trustees* of any institution with which a theological school might be connected. Among the elder commissioners, we find Judge R. L. Caruthers, President of the Board, reporting to the Assembly on the Amendment of 1849, *which conceded to the Assembly the final voice in the selection of Trustees.* In view of the foregoing well-defined steps of the Assembly in the establishment of a theological school, it certainly would have been an anomaly for the Assembly to have voted, as Dr. Bone says it did, *not to accept* "the right to fill vacancies when the appointments made by the Trustees are not ratified." In view of these facts, it will require a well-supported statement to convince one that the Assembly, after winning that for which it had stood for all these years, declined to accept the responsibility by means of which it could supervise a school, when located.

Interpretation of the Woods Resolution

In the next place, the construction of the language and logical interpretation of the Woods resolution prove that the Assembly, in adopting the said resolution, did accept "the right to fill vacancies when the appointments made by the Trustees are not ratified." This resolution consisted of two parts. (1) "That this General

Assembly approve of the amended charter of Cumberland University, giving her the right of confirming or rejecting the nominations for Trustees of said University," and (2) "that we will hereafter accept that right." The Assembly *"approved of the amended charter."* Not *a part of it,* but *all of it.* And this the Trustees reported "requires all appointments of Trustees of this institution hereafter to be made to be submitted to the General Assembly for approval or rejection, *with power to fill the vacancies when the appointments made by the Trustees are not ratified."* The acceptance of the right to approve or reject nominations carried with it *the obligation* "to fill the vacancies when the appointments made by the Trustees are not ratified." A failure by the Assembly to fill vacancies caused by the rejection of nominees would have been an occasion of embarrassment to the Board as well as a failure in the discharge of an accepted responsibility by the Assembly.

The amendment which the Assembly approved, as a whole, was an act of the Legislature of Tennessee, which the Assembly had to accept as a whole or reject altogether. Having accepted the amendment as a whole, it became the duty of the Assembly either to approve or reject nominations submitted to it by the Board, and if rejected, under the terms of the amendment itself, the Assembly was in duty bound "to fill the vacancies" so caused.

Finally, the interpretation by the Assembly itself, of its action on the Woods resolution, proves that in the adoption of said resolution it did accept "the right to fill the vacancies when the appointments made by the Trustees are not

ratified." Judge Caruthers, under whose fine leadership the amendment to the charter had been secured, and who had labored to bring his Board and the Assembly to an agreement, ought to be good authority as to whether the Assembly did or did not accept "the right to fill the vacancies," etc. On the next day after the adoption of the Woods resolution, "Bro. R. L. Caruthers offered the following resolution which, on motion, was adopted:

"*Resolved,* That this General Assembly will assume the same power over *the appointment of Trustees to fill vacancies* (Reviewer's italics) in the Board of Cumberland College, *as they did on yesterday relative to Cumberland University* (Reviewer's italics) upon the amendment of the charter of the former to that effect, and the expression of the Board of Trustees desiring the same." (See Minutes, page 14.) In the adoption of Judge Caruthers' resolution the Assembly concurred with him that it had accepted "the right to fill vacancies when the appointments made by the Trustees are not ratified."

Two years later we have another interpretation to the same effect. In its report to the Assembly the Board said: "The amended charter of Cumberland University requires that appointments, by the Board of Trustees, to fill vacancies within our body shall be submitted to the General Assembly of the Cumberland Presbyterian Church at their next session. After such appointment is made for confirmation or rejection, that any Trustee appointed by the Board shall act until such rejection, *and another appointed in his place by the Assembly* (Reviewer's italics), and that appointments by the Board shall be void unless

application shall be made to the General Assembly at their next meeting after the same is made." Two nominations were made and approved. (See Minutes, 1852, page 33.) The two cases cited are conclusive evidence that the Assembly did accept "the right to fill the vacancies when the appointments made by the Trustees are not ratified."

A Plan Adopted by the Assembly

So much for the history and legislation leading up to 1850, all preparatory for the next step, looking to the establishment of a theological institution. Subsequent history dovetails into preceding history. Acting in view of the amended charter which had been "accepted," this Assembly appointed a Committee of Seven, consisting of "R. Beard, D.D., T. C. Anderson, Milton Bird, Hon. N. Green, Prof. A. Freeman, David Lowry, and R. R. Lansden" "to mature a Plan for the establishment of theological departments in said institutions" (Cumberland College and Cumberland University). (See Minutes, 1850, page 17; "The Story of the Founding," page 20; Digest, page 521.)

This Committee reported to the Assembly of 1852, a Plan, with this preface: "Two cardinal points have been settled. First: the Trustees are to create the endowment fund; and secondly: the department is to be subjected to the control of the Assembly. Keeping an eye upon these two cardinal points, the committee recommend the following Plan:" Etc. The Plan was amended and adopted. It was the complete, well-matured resultant of all that had gone before. Cumberland College dropped out of the picture, leaving

the field to Cumberland University. (See "The Story of the Founding," pages 20-24.)

On page 219, Dr. Bone says: "The Plan was never reduced to a final form by either the Assembly or the Trustees." The Committee of Seven, Dr. Beard, Chairman, does not support this statement. The Plan is printed in full in the Minutes of 1852, pages 38-42. It is reprinted in the Minutes of 1901, pages 76-79. It is printed in the Digest, pages 522-526. That the Plan was "reduced to a final form" was recognized by the Board, as will be shown below.

The Plan Accepted by the Board

In adopting the Plan, the Assembly, party of the first part, submitted it as *a proposition* to the Board of Trustees, party of the second part. It was printed in *The Banner of Peace,* at Lebanon, Tenn., June 4, 1852, and was formally and legally accepted and ratified by the Board on June 15, 1852, as *"the proposition of the General Assembly,"* to use the Board's own language. The Board's record follows:

"Whereas, The Board has heretofore accepted the overture of the General Assembly of the Cumberland Presbyterian Church, at its session of 1849, at Princeton, Kentucky, to establish a theological department in this University; and, whereas, a committee was appointed to present a Plan for the same, who made their report to the last session of the General Assembly, which was held in the City of Nashville, when the same was accepted, and a theological school was adopted, as a department in this University, for the whole Church, which having been duly considered, by

virtue of the power conferred upon this Board by its charter, it is hereby

"Resolved, That the proposition of the General Assembly to establish a department of theology in this University is hereby accepted on the terms contained in the Constitution (Plan) and resolutions adopted at the last session of the Assembly, and a theological department is hereby established in this institution."

Can one imagine the Board, under the leadership of Judge R. L. Caruthers, taking such action as is here recorded on a Plan that had not been "reduced to a final form"?

The Assembly based the proposition (Plan) it made to the Board on the 1843-49 charter of the University, and it was on this same basis that the Board accepted the proposition of the Assembly. The two parties to the proposition (Plan) understood each other and the proposition on which each acted; and so the theological school became a legal entity. The deal was now complete, and each party thereafter acted on this hypothesis. The Board, under the Plan, Article I, proceeded to raise an endowment for the school, on which it reported in 1853; and at the same time, in accordance with Article V, it nominated Dr. Richard Beard as Professor of Systematic Theology. (See Minutes, page 40.)

The Plan Constituted a Contract

On May 22, 1852, the Assembly adopted the Plan for a theological department in Cumberland University, subject of course, to the approval of the Board. President Anderson and two members of the Board, R. L. Caruthers and D. C.

Hibbitts, were commissioners and voted for the Plan. The Board correctly regarded the Plan as "the proposition of the General Assembly to establish a department of theology" in the University. Webster defines a "proposition" as "that which is proposed or offered, as for consideration, acceptance, or adoption." On June 15, 1852, the Board took official action on the Assembly's "proposition," and "accepted" it "on the terms" on which it had been offered.

The acceptance of the Assembly's "proposition" by the Board constituted a contract, the Assembly being the party of the first part and the Board the party of the second part. Neither party had a legal or a moral right to make any change in the contract without the consent of the other party. If either party at any time desired a change, it would take official action, recording the same, and communicate the proposed change to the other party; the other party would then take official action, recording its conclusion, and communicate the same to the party proposing the change.

Records Silent

Dr. Bone, page 219, affirms that "on March 2, 1858, the Trustees secured from the Legislature an amendment to the University charter." On page 225, he agrees with the Trustees "that there is no sure evidence that the Trustees failed to report the amended charter of 1858 to the Assembly of 1858." With certainty it could have been said *there is no sure evidence that the Trustees did* "report the charter of 1858 to the Assembly of 1858." No authority is cited in support of these statements. Does he predicate his assev-

erations on the "assumption" and "deduction" of the Board in its report to the Assembly in 1902, Minutes, page 65a? If so, he should have stated that the Assembly did not concur in the Board's "assumption" and "deduction." Surely the opinion of the Assembly is worthy of consideration.

There is no doubt that a new charter was secured in 1858. But the records of the Board are as silent as the grave on this charter! The Minutes of the Assembly, too, are silent on this subject. The Board made an official record of the amendment in 1849. If, as Dr. Bone says, "the Trustees secured an amendment to the University charter" in 1858, why did not the Board make an official record in 1858 as it did in 1849?

Then *if the Trustees did do this,* why did they not, as the party of the second part, in the contract above, take the matter up with the Assembly, party of the first part, as they were legally and morally obligated to do? *If the statement is true,* it places the Board in an embarrassing position. The silence of the Board's records and the silence of the Assembly's Minutes on such an important move as a new charter, in which both parties had an abiding interest, is prima-facie evidence that the Trustees did not secure this charter. Evidently the Board, as a group, regardless of what some one may have done as an individual, had no knowledge of the charter of 1858.

How Was the Charter of 1858 Secured?

As has been shown, the Assembly submitted the Plan as a "proposition" to the Trustees of the University, and that it was "accepted" by

them "on the terms contained" in the Plan. This contract was made under the charter of 1843-49, and could not be changed legally or morally without the concurrent action of both parties to the contract. The Assembly never would have surrendered its rights under the old charter for the sop that was thrown to it under the new. The only way in which the charter of 1858 could have been secured was to have it enacted without the knowledge of the contracting parties. Such a procedure has been discussed in "Supplemental Facts," pages 37, 38, to which the reader is referred.

Dr. Bone, page 219, states that "E. I. Golladay, the representative from Wilson County, and the son-in-law of Dr. F. R. Cossitt, offered an amendment to Senate Bill 79, 'in order to amend the charter of Cumberland University.'" It is to be regretted that Dr. Bone brings into this discussion the name of Dr. Cossitt, as though he were in some way responsible for this charter. As a matter of fact it is morally certain that he had nothing to do with it. (See "Supplemental Facts," pages 38, 39). A photostatic copy shows that Mr. Golladay introduced a Bill in the House, entitled "A Bill to Reduce into one Act, and Amend the Charter of Cumberland University." Later this House Bill was changed to an amendment to Senate Bill 79. When so changed it was "mentioned in the Minutes of the Legislature as an amendment."

As introduced in the House, the Golladay Bill had nine sections, numbered from one to nine; when changed to an amendment, the sections were renumbered, beginning with sixteen, and the title was dropped. It does not appear in the

official printed record. As introduced in the House, the Golladay Bill had an entity all its own. This would have given it a *publicity,* which it could not possibly have when thrown into the seventh place in the Senate Bill 79, a hotchpotch of nine different subjects. (See "Supplemental Facts," pages 33, 34.)

Mr. Golladay would have had no difficulty in passing his Bill as introduced. Why did he permit it to be changed to an amendment to the Senate Bill and so buried it out of sight under the meaningless phrase *"for other purposes"?* By this means, in the Legislative records, he subordinated Cumberland University to a little country academy with but one teacher! *Why did he do it?* This is a reasonable question. It has not been answered. Whether so intended or not, the course pursued *obscured the publicity the new charter should have had, and would have had,* had it been passed as introduced in the House. This course, at least in part, accounts for the fact that Dr. Lindsley, the alert historian, living in Nashville, where this Senate Bill 79 was passed, never heard of it (see below); this course also accounts, in part, for the fact that the Church press never heard of it, for had the news gotten into the Church papers, the Assembly cerainly would have made an investigation; this course, in part, accounts for the fact that the Church never heard of this transaction until 1901.

Dr. Bone treats the charter of 1858 as an *amendment.* The Reviewer is informed by able legal talent that it is usual in amending a charter, for reference to be made in the amendment to the charter which is amended. It was so in the amendment of 1849: "That the charter of

Cumberland University, at Lebanon, passed 30th December, 1843, is hereby amended," etc. The charter of 1858 begins: "Be it enacted by the General Assembly of the State of Tennessee," etc. No reference is made to a previous charter. One not familiar with the history of the University would suppose that the charter of 1858 was the first granted to the University; that up to that time the University was nothing more than a voluntary association of individuals, as it was from 1842 until December 30, 1843, when a charter was enacted. For a further discussion of this phase of the subject, see "The Story of the Founding," pages 30, 31.

Fundamental principles in the Plan were nullified by this substitute charter of 1858. When one places the charter of 1843-49 by the side of the substitute charter, the differences are apparent. The substitute charter nullifies certain of the most important sections of the Plan, as may be seen on a comparison of this charter with the Plan.

Report of the Board in 1858

The Board reported to the Assembly in 1858, but unfortunately the report has been lost, so no one can say what it contained. For four reasons, it seems to have had no bearing on the charter. (1) A lengthy report was made on Education, in which Cumberland University, including the theological school, came in for special mention. President Anderson was Chairman of the committee and Rev. Lee Roy Woods, author of the Woods resolution, was a member of the committee. Had they known about the new charter, it seems reasonable that some allusion would have been made

to it. (2) Rev. Milton Bird, a member of the committee that drafted the Plan, and who stood unalterably for it, Rev. Lee Roy Woods and a number of other commissioners would have been heard from had the charter been reported to the Assembly. (3) Dr. Reuben Burrow was a commissioner. Had there been an intimation of a new charter, he would have been heard from. See below "West Tennessee Synod Overture." (4) The silence of the Church press on a subject of such vital importance as the new charter cannot be accounted for on any other ground than that the Assembly knew nothing about it.

West Tennessee Synod Overture

An event took place in 1860, which is evidence that the Assembly knew nothing of the new charter. The Synod of West Tennessee, the strongest in the Church, had anticipated Assembly action, and opened a theological department in Bethel College, early in 1852. (See "The Story of the Founding," pages 20-22.) The leaders in this Synod were not in sympathy with the establishment of a theological department in the University.

The department in Bethel College did not thrive. It became so hard pressed that the Synod overtured the Assembly in 1860 "to take under its fostering care the theological department of Bethel College, and 'place it on equal ground with other departments of a similar character elsewhere established.'" The overture was not granted. (See Minutes, page 85.)

Dr. Reuben Burrow was the leader in this movement and was the Professor of Systematic

Theology in this institution. It is said that "he was unquestionably one of the strongest men in the pulpit that the Church ever produced." He was intellectual, a keen debater, and never ran up a white flag in conflict. Had he known that a new charter, especially such as it was, had been secured by or for Cumberland University, the Church would have heard about it. This incident supports the view that the Board did not report the new charter to the Assembly of 1858.

Report of the Board in 1867

Shortly after the enactment of the charter of 1858, the country was in the throes of the Civil War, which distracted the Church in the South. So, for years the Board made no report to the Assembly. In 1867, when the members on the Board, who had been confirmed by the Assembly, had been reduced to five, the charter of 1858 was brought forward in the Assembly, *for the first time* (see "Supplemental Facts," page 35), when nominations were submitted by the Board for confirmation. In its report the Board said:

"The charter of Cumberland University provides that a majority of the Trustees shall be members of the Cumberland Presbyterian Church. To secure this object with greater certainty, it further provides, that when vacancies occur in the Board, the appointments of new members shall be reported to the General Assembly for confirmation. Several changes have taken place occasioned by deaths and removals. The names of the new members are reported, and the Assembly is respectfully requested to confirm the appointments made by the Board." (See Minutes, page 79.)

When presenting nominations for the first time under a new charter, one would expect that attention would be drawn to the departure; but no hint was given that the Board was reporting under a new charter. It had been fifteen years since the Board, referring to charter requirements in making nominations, had last reported. This was under the charter of 1843-49. Only three members of the Board then were members in 1867. These men had passed through most trying experiences, under which they could give little thought to University affairs. The University, only a few months before, was beginning to arise from its ashes. It was not a time when the average Trustee would give discriminating thought to charter details, especially when there had been no general knowledge that a new charter had been enacted.

Under these circumstances this question arises: "Did the Trustees in 1867 know about the new charter?" There was no copy of it on their records. Their records made no allusion to it. The Church had no knowledge of it. And yet, some one connected with the University must have had a copy of the new charter, which was quietly substituted for the one with which the three Board members had been familiar fifteen years before. The Reviewer is of the opinion that the Board as a group thought it was reporting in 1867 under the charter of 1843-49. This conviction is strengthened by the fact that the members of the Board in 1867 failed to impress on their contemporaries and successors that a new charter had been enacted in 1858. As late as 1901 members on the Board were under the impression that the Board was operating under the charter of 1843-49.

Members of the Assembly in 1867 were less likely than Board members to detect in the report evidences of a change in charter. The Board reported the amendment of 1849 to the Assembly of 1850. It was seventeen years later that the first nominations were made under the new charter, and nine years after its enactment. Very few commissioners were in the Assembly in 1867 who were commissioners in 1850. In all these years the Assembly had had absolute confidence in the Board. It never had had occasion to reject a nomination presented. Under such circumstances the Assembly was not likely to give critical attention to the phraseology of the report. Much would be taken for granted. So when the report was read to the Assembly, without reference or discussion, on motion, it was concurred in, and the nominees confirmed.

Dr. J. B. Lindsley's History

Dr. J. B. Lindsley was the Church historian. His home was in Nashville, the Church headquarters and the capital of the State, where the new charter was enacted. Here were the homes of several leaders in the Church. Yet, Dr. Lindsley never had an intimation that the charter of 1858 had been enacted. In 1876 he wrote a history of Cumberland University. He gathered his materials from the University records and personal interviews with members of the Board and the faculty. He found a copy of the amendment of 1849 on the Board's records and printed it in his history. There was no copy of the enactment of 1858, or even a hint about it, so he did not mention it. Was there any one connected with the University in 1876 who knew that the

charter of 1858 had been substituted for the charter of 1843-49? If so, why was not that information given to Dr. Lindsley when he was gathering materials for his history?

Dr. B. W. McDonnold Quoted

On page 218, Dr. Bone says: "Dr. B. W. McDonnold in his history of the Church (p. 519) calls it [the Plan] a 'charter.' But it did not have the form of a charter, nor was it accepted as a charter by either the Legislature, or the Assembly, or the Trustees." Of course, Dr. McDonnold did not mean a charter as an enactment of the Legislature. Familiarity with his writings in the old papers impresses one that he had in mind the Plan as a kind of Magna Carta intended to conserve the liberties of the Assembly in supervising theological education.

In this connection, since Dr. Bone has made this reference to Dr. McDonnold, it is well to state Dr. McDonnold's view of the relation of the theological school to the University. He says: "This school belongs not to Cumberland University, but to the whole Church. Not the Trustees of the University, but the General Assembly planned and inaugurated this department. . . . The Church's theological school is a department of the University only so far as such relation is supposed to be serviceable to this school, but *it is something more than a mere department. It has relations independent of the University.* (Reviewer's italics.) The propriety of having a separate Board of trust for it has often been discussed, but its own interests are against such separation." (See McDonnold's History of the

Cumberland Presbyterian Church, pages 521, 522.)

Dr. McDonnold does not leave us in doubt as to the authority he has in mind. He refers to the Assembly of 1852, the one which adopted the Plan. His reference to "a separate Board of Trust" was based on the Plan, Article II, Sections 1 and 2, which state that "the Trustees of Cumberland University may receive the funds as collected, hold them in trust for the Assembly, and manage them for the benefit of the aforesaid department until such time as the Assembly shall, at its discretion, appoint, and cause to be incorporated, a separate Board of Trustees, to manage the department and its funds. If the Assembly shall appoint a separate Board, when it is incorporated the Trustees of the University shall deliver over to the said Board all funds raised for the theological department," etc.

Dr. McDonnold was the third President of the University, taking office in 1866, in the trying days of the resuscitation of the University after the war. He knew the inside history of the founding of the theological school, and states clearly the position of the Church with reference to the relation of the school, at its founding, to the University. He made his position clear in published articles of the day.

Dr. McDonnold's statements about the relation of the theological school to the University were based on the amendment of 1849, and the Plan which became a contract between the Assembly and the Board. In this he was correct. Though President from 1866 to 1873, like that other great historian, Dr. Lindsley, he was not aware of the existence of the charter of 1858.

He makes no mention of it in his history, published in 1888. Like the Board group and the Assembly of 1867, he was under the impression that the University was operating under the old charter and the Plan. This is another concrete illustration, showing that the Church never heard of the enactment of the charter of 1858, until 1901.

Historical Statement

On page 222, Dr. Bone states that "in 1901 the Assembly adopted a 'Historical Statement' as to the relation of the theological school to Cumberland University, and appointed a Committee of Seven to confer with the Trustees of the University." This "Historical Statement" is a notable document. It was not until 1901 that the Assembly was apprised that a new charter had been secured in 1858, which largely nullified the Plan. Let it be recalled that it was in 1901 that members on the Board realized that they were not operating under the charter of 1843-49. Nothing heretofore had happened to call attention to this situation.

There had never been any friction between the Assembly and the Board. The Board had administered its duties in connection with the theological school to the satisfaction of the Assembly. So the appointment of the Committee of Seven was not occasioned by any friction between the two bodies, but was designed to safeguard the interests of the Assembly that might arise in the future under a charter so different from the one under which the theological school had been made a department in the University. It was a committee of eleven leading men in the Church, who presented to the Assembly, in 1901, the "His-

torical Statement," which was adopted by the Assembly. In its statement the committee said: "The General Assembly not having been a party to the changes claimed to have been made in the charter of Cumberland University as it existed at the time of the agreement of 1852, we recommend that all charter provisions of Cumberland University affecting the theological school shall be made to conform clearly to the terms of said agreement of 1852. . . .

"While the General Assembly hereby affirms its right to appoint a Board of Trustees, separate and apart from the Board of Trustees of Cumberland University, for the particular management of the theological school and its funds, yet, in consideration of the fidelity and trustworthiness of the present acting Board of Trustees, the Assembly foregoes the exercise of that right for the present. In lieu thereof, we recommend the appointment of a Committee of Seven, to be nominated by a committee to be named by the Moderator, who shall confer with the Board of Trustees of Cumberland University on all matters pertaining to the theological school and its relations to the General Assembly. The committee shall act in the name and with the authority of the General Assembly as in their judgment they may deem proper, according to the terms of the Agreement and 'Constitution' [Plan] of 1852." (See Minutes, 1901, pages 92, 93.)

Negotiations With the Board

Negotiations were accordingly opened with the Board of Trustees, which continued through 1902 and 1903. See the Minutes of the Assembly of these years for details. An agreement was

reached, according to which the Board would secure certain amendments to the charter of 1858. This was done. However, the Assembly declared "that in the charter of Cumberland University, as it will stand after the embodying of the items contained in said agreement, only those parts affecting the theological department which were in the charter as amended in 1850 [1849] or specified in this said agreement will be recognized by the Assembly as binding; and that if the charter shall contain any other provision touching the said department, the same shall not be of binding force, unless and until ratified by the General Assembly." (See Minutes, 1903, page 67.) Thus it is seen that the Assembly continued to stand on its rights as expressed in the charter of 1843-49 and the Plan, which had been approved by both the Assembly and the Board, so constituting the contract between them.

Recapitulation

The Reviewer is convinced that the charter of 1858 was never reported to the Assembly. He assigns reasons as follows for holding this conviction. (1) He is of the opinion that the Board as a group knew nothing of the movement to secure a new charter, regardless of what may have been done individually, without Board initiative. (2) The devious way in which the charter was secured. (3) The Board's Minutes are silent on this charter, though they contain a record of the amendment of 1849. (4) The Minutes of the Assembly are silent on this charter. (5) The Church press makes no mention of this charter. (6) The implication of the overture of the Synod of West Tennessee. (7) Report of the Board in

1867. (8) Dr. Lindsley makes no reference to this charter in his History of Cumberland University. (9) Dr. McDonnold makes no reference to this charter in his History of the Church. (10) The Assembly never heard of this charter until 1901. (11) Members on the Board in 1901 were under the impression that they were serving under the charter of 1843-49. (12) Deliverances of the Assembly in 1901 and 1903.

The Theological School Discontinued

On page 144, Dr. Bone says: "Owing to the inability of the theological school to secure adequate funds for conducting its work, it was discontinued by the action of the Trustees in 1909." Yes, the school was discontinued. On June 23, 1909, Dean Bone (he was also President of the University) was requested by the Board "to file a report of the prospects for the coming year's work" in the school. *Without consultation with the theological faculty,* Dr. Bone hastened to make a very gloomy report. This report was laid before the Trustees, who gave it "the most careful consideration," then "in view of said report," etc., discontinued the theological school. This was done notwithstanding the fact that a Board appointed by the General Assembly in May, 1909, to maintain theological education in the South, stood ready to co-operate with the Board of the University in continuing the theological school of the University.

The Seminary of the South

After the discontinuance of the theological school of the University, the Assembly's Board incorporated the Seminary of the South, in order

that students of that section, so suddenly deprived of the privilege of pursuing their studies in Lebanon, might be accommodated. The new seminary had no endowment. It had to raise by subscription every dollar of its expenses. It rented space in Memorial Hall, of the University, and conducted one of the most successful year's work in theological education in the history of Lebanon. It closed the year with all bills paid, including salaries, student aid and rent for the rooms used in Memorial Hall. Dr. Bone says (page 215) that there was no "rental charge." He is mistaken. If this new Board, under such circumstances, could succeed as it did, surely, with the aid of this new Board, the theological school of the University could have gone on, had it not been discontinued, largely on the report of Dr. Bone. (See "The Chicago Address," pages 20, 21.)

On the close of the first year's work of the Seminary of the South, the Board of the University declined to rent the rooms in Memorial Hall for another year. It also declined to rent to the new seminary Divinity Hall, the former home of the theological school. The action of the Board of the University compelled the Seminary of the South to leave Lebanon, much to the regret of its Board, faculty and student body. (See "The Chicago Address," pages 22-27.)

Over

ADDITIONAL INFORMATION

Dr. Winstead Paine Bone in his History of Cumberland University, on page 225, affirms "that there is no sure evidence that the Trustees failed to report the amended charter of 1858 to the Assembly of 1858." On pages 20, 21 of this publication, *A Review* of Dr. Bone's History, issued on February 4, 1936, the Reviewer presented convincing evidence showing that the Trustees made no report of this charter to the Assembly of 1858 or to any other Assembly. Since the *Review* was published, the Reviewer has discovered additional information bearing directly on Dr. Bone's statement, which is now subjoined to the *Review* as originally issued.

Shortly after the adjournment of the Assembly of 1858, Dr. Richard Beard, a commissioner to that Assembly, published a lengthy, detailed report of the proceedings of that Assembly. Dr. Beard, noted for accuracy and trust-worthiness, makes no allusion to any such report. He was the chairman of the committee that drafted the Plan (or Constitution as the Trustees called it), which was "accepted on the terms contained in the Constitution (Plan)" by the Trustees of the University, under which the Theological Seminary of the Church was made a department in the University. See pages 17, 18. He remained true to the Plan, under which he was at the time of this Assembly serving as the head of the Theological School of the University. This Plan constituted a contract (see pages 19, 20), which he sacredly regarded.

After the meeting of the Assembly of 1858, Dr. Thomas C. Anderson, then President of the University, and a commissioner to that Assembly, published a "History of Cumberland University", in which he makes no reference to the Trustees' presenting such a report. He was a member of the committee that drafted the Plan under which the Theological Seminary of the Church was made a department in the University. See pages 17, 18. Like Dr. Beard he remained true to the Plan. In view of the relation of these two church leaders to the Plan and to the University, it is inconceivable that they would have supported this substitute charter which largely nullified the Plan, or that they would have remained silent had this substitute charter been presented to the Assembly by the Trustees.

As stated on page five, there were stored in the University library a number of bound volumes of early church periodicals and scores of personal letters written by leaders and other members of the Church, collected by Dr. B. W. McDonnold, when gathering materials for his "History of the Cumberland Presbyterian Church". These periodicals and letters included the year 1858 as well as years before and after. The Reviewer made a close inspection of these papers and letters. He found no allusion in any of them to this charter. If the Trustees reported this charter to the Assembly of 1858, surely some reference would have been made to the fact in these church periodicals and in these letters, contemporaneous with the Assembly in 1858, touching various subjects of denominational interests.

On pages 25, 26, and in The Story of the Founding, pages 20, 21, reference is made to the attempt to found a theological seminary by the Synod of West Tennessee, then the strongest synod in the Church. Dr. Reuben Burrow was the leader of this movement which was antagonistic to Cumberland University. Dr. Burrow was a commissioner to the Assembly of 1858. Had the Trustees reported this charter to the Assembly of 1858, Dr. Burrow and other commissioners in that Assembly of like mind certainly would have been heard, and heard in such a way that a record would have been made.

If the Trustees presented such a report to the Assembly of 1858 how account for the silence of their records and the silence of the Assembly records on the subject? See page 21. If the Trustees presented such a report how account for the silence of Dr. Beard in his detailed report of the proceedings of the Assembly of 1858? If the Trustees presented such a report to the Assembly of 1858 how account for the silence of the three historians? (1) The silence of President Anderson, noted above? (2) The silence of Dr. J. B. Lindsley in his history of Cumberland University, published in 1876? See page 28. (3) The silence of Dr. B. W. McDonnold, a former President of the University in his History of the Cumberland Presbyterian Church, published in 1888? See pages 29-31.

APPENDIX

I.

THE PLAN

ARTICLE I.

Sec. 1. In accordance with the action of a previous Assembly, the Trustees of Cumberland University and Cumberland College are hereby authorized to appoint efficient agents to solicit funds in the name and in the behalf of the Assembly, for the endowment of Theological departments for the gratuitous instruction of probationers for the ministry.

Sec. 2. Said agents shall be authorized to receive contributions in cash, property, or individual notes payable in such installments as may suit the convenience of the drawer.

Sec. 3. Any person, Presbytery or Synod may endow a professorship, which shall ever afterwards be known by such name as the person or body endowing shall designate.

Sec. 4. The Trustees of each of the institutions named are authorized to raise, in the manner specified, or by such other means as they may devise, a sum sufficient to constitute a permanent endowment, the interest of which alone shall be dovoted to the establishment and maintenance of a Theological Department, the principal forever to remain a vested fund.

Sec. 5. This fund shall forever be kept separate and distinct from all other funds of the University or College, and shall be subject to the control of the Assembly.

ARTICLE II.

Sec. 1. The Trustees of Cumberland University and of Cumberland College may receive the funds as collected, hold them in trust for the Assembly, and manage them for the benefit of the aforesaid Departments until such time as the Assembly shall, at its discretion, appoint, and cause to be incorporated, a separate Board of Trustees, to manage each department and its funds.

Sec. 2. If the Assembly shall appoint a separate Board, when it is incorporated the Trustees of the University or College shall deliver over to the said Board all funds raised for the Theological Department, both principal and interest, except so much of the interest as may have been expended for the benefit of the Department; also whatever Theological library may have been collected, or other property, and thenceforth said Department, with the funds appertaining thereto, shall be under the direction of said Board.

Sec. 3. This Board shall consist of five members, three of whom shall reside in the vicinity of the institution, and at least one shall be a minister of the gospel, and shall be subject to removal at the option of the Assembly.

Article III.

Sec. 1. When the funds raised for the endowment of a Department in either of the aforesaid institutions will justify it, the Department shall be organized by the appointment of a Professor of Systematic Theology, who shall devote the whole of his time and attention to the School, for which he shall receive a competent salary, to be fixed by the Board.

Sec. 2. So soon as the funds will justify it, a second Professor shall be appointed and put upon a salary, and then he shall be required to devote the whole of his time to the interests of the School. A third, and if need be a fourth, may be employed, as the labors of the Department may require, and the state of the funds may authorize.

Sec. 3. After the establishment of the Professorship of Systematic Theology, the second shall be that of Biblical Literature, including the Greek and Hebrew Scriptures; the third, Sacred Rhetoric and Pastoral Theology.

Article IV.

Sec. 1. Should the agents employed to collect funds for the establishment of a Theological Department in either of the institutions aforesaid, fail to secure an endowment adequate to the support of at least one Professor (and less than ten thousand dollars shall be deemed inadequate), in that case the Assembly may, after a reasonable time has been allowed, transfer whatever funds may have been collected to the Theological Department of the other institution.

Sec. 2. In the event that both of the institutions aforesaid should fail to raise the amount requisite to authorize the organization of a Department, then in that case the Assembly may combine the funds raised by the two, and endow a Department in whichever it may select. Or if the funds, when combined are insufficient for the establishment of a Department, the Assembly may order them to be invested until an adequate sum shall be accumulated for the endowment of a Department wherever it shall ordain.

Sec. 3. The agents employed in behalf of each of the aforesaid institutions shall be furnished with a copy of the two preceding sections of this article, and shall be instructed to inform contributors of the conditions under which contributions are made, as set forth and provided for in the aforesaid sections.

Article V.

Sec. 1. As the reputation and efficiency of a Theological School will depend chiefly upon the character and competency of the Professors, great circumspection and deliberation should be exercised in their appointment. It is therefore recommended that appointments shall be made by the joint action of the Board and the Assembly.

Sec. 2. As the Assembly is not a permanent body, and as it is deemed impracticable for the official correspondence and investigation essential to the judicious selection, to be had during one of its brief and hurried sessions, it shall be the duty of the Board to hold the correspondence and make the necessary investigation, after which they shall exercise the right of nomination, and when practicable they shall announce their nomination in one or more of the newspapers of the Church a sufficient time before the meeting of the Assembly at which the nomination is expected to be confirmed.

Sec. 3. With the nomination, the Board shall transmit to the Assembly all the information in their possession respecting the character, competency, and orthodoxy of the nominee, to admit of inquiry and reflection on the part of the members of the Assembly, before they shall have met together.

Sec. 4. If, in the judgment of a majority of the Assembly, the nominee shall be deemed worthy and competent for the office, after the nomination shall be confirmed, the Professor elect shall be duly inducted into office by the Board.

Sec. 5. But if the nomination is not confirmed, the Board shall have the right of making another.

Sec. 6. If a vacancy shall occur when the Assembly is not in session, the Board shall be competent to make a temporary appointment, to expire with the next session of the Assembly, unless it shall be confirmed by that body; but if at any time the Assembly shall fail to act upon the nomination, in that event the appointment of the Board shall be valid until the Assembly does act upon the nomination.

Sec. 7. Each Professor, before entering upon the duties of his office, shall solemnly adopt, in such form as the Assembly may prescribe, the Cumberland Presbyterian Confession of Faith and Form of Church Government.

Article VI.

Sec. 1. That the Theology taught in the school may be subject to the judgment of the Assembly, it shall be the duty of the Professor of Systematic Theology to write out his lectures to the classes, and when required he shall submit them to the examination of the Board or a committee of the Assembly.

Sec. 2. Professors, as other ministers, will still be amendable to the Presbytery for immorality or heresy. But for their official character, they shall be amendable to the Assembly, and upon the recommendation of the Board or a committee of the Assembly, they shall be subject to removal for incompetency, gross neglect of official duty, or such irregularity in deportment or error in doctrine as shall render their continuance in office detrimental to the interests of the school.

Sec. 3. As Professors may be removed whenever the Assembly shall deem it expedient, appointments shall be made for an indefinite time, except in cases where the Board may recommend an appointment for a definite period.

ARTICLE VII.

Sec. 1. The course of instruction in the Theological School shall embrace the following subjects:

The Greek and Hebrew Scriptures; Biblical Literature; Ecclesiastical and Profane History; Mental Philosophy; Systematic Theology; Sacred Rhetoric; Natural and Pastoral Theology; and Church Government.

Sec. 2. The Board may, with the appointment of the Assembly, hereafter embrace additional subjects. Those who wish may pursue a limited course, omitting the Greek and Hebrew Scriptures.

Sec. 3. Each student on leaving said institution shall receive from the Professors a certificate, setting forth the subjects he has studied and his proficiency therein.

Sec. 4. Students in the literary departments of the University or College, who are preparing for the ministry, shall have the privilege of attending the lectures of the Professors in the Theological school. And such as may be pursuing a limited course in the College, may, at the same time, have one or more studies in the Theological Department.

Sec. 5. No fees shall ever be charged for instruction in this Department. The salaries of officers shall be paid out of the proceeds of the endowment fund; and until all salaries due are paid, no appropriations for other purposes shall be made out of said fund, without the consent of those officers holding claims upon said fund.

Sec. 6. When necessary each student may be required to pay a small sum, to constitute a fund to pay the contingent expenses of the department.

Sec. 7. The collegiate year in the Theological Department shall embrace nine consecutive months, allowing the students and professors to spend three months in the practical labors of the ministry.

II.

CHARTER OF 1843

In the Public Acts of the State of Tennessee, for the years 1843-4, under Chapter LV., entitled "An Act to Establish Cumberland University at Lebanon, Wilson county," passed December 30, 1843, is the following:

"WHEREAS, An association of citizens of Lebanon, Wilson county, has been voluntarily formed for the erection of a Literary Institution near said town, and having procured funds by contribution for that purpose, and have under direction of a Board of Trustees, purchased a site and erected buildings thereon for that purpose. Therefore,

"Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a University be established at the town of Lebanon, Wilson county, at a place so selected, which shall be denominated *Cumberland University.*

"Sec. 2. *Be it enacted*, That James C. Jones, Zachariah Tolliver, Thompson Anderson, Nathan Cartwell, M. A. Price, Josiah S. McClain, Miles McCorkle, Andrew Allison, William L. Martin, Jordan Stokes, Benjamin R. Owen, Thomas J. Mumford, and Robert L. Caruthers, and their successors, are hereby constituted a body politic and corporate, to be known by the name of the Trustees of Cumberland University, and by that name shall have succession for a period of five hundred years; sue and be sued, plead and be impleaded, make and receive titles to property, both real and personal, and do such other things as bodies corporate by law may do and perform, and may have and use a corporate seal; *Provided*, that in making titles to property, the same shall be signed by the President of the Board of Trustees, and counter-signed by the Secretary, under a resolution of the Board.

"Sec. 3. *Be it enacted*, That said Board of Trustees shall have power to fill any vacancies that may occur in their body by resolution to be entered on their minutes, to elect from among themselves a President, Secretary and Treasurer, and such other officers as they may deem necessary, and assign to them their respective duties; to elect a President, Professors, Tutors, and such other officers of said University as they may think proper, and fix their salaries and duties, who shall constitute the faculty of said Institution, with such powers and duties as the said Board may allow and prescribe, who shall teach all the arts and sciences usually taught in similar institutions, and confer the degrees of Bachelor of Arts, Master of Arts, and any other degrees of literary distinction which might or can be conferred by other Colleges or Universities of the United States. The said Trustees shall also have power to form or adopt a code of By-Laws for the government of said Institution, and alter the same at pleasure; *Provided*, the same be not inconsistent with the constitution and laws of this State or the United States. Seven of said Board of Trustees shall be necessary to constitute a quorum, and less than that number shall not be competent to do business; any or all the members of the faculty may be present at the meetings of the Board and unite in its deliberations, but shall have no vote.

"Sec. 4. *Be it enacted*, That said Board of Trustees may procure an endowment for said Institution not to exceed one hundred thousand dollars, the interest of which alone shall be applied to the support of the same; *Provided*, That said *endowment fund*, as well as the interest, shall be under the control and directions of said Board of Trustees.

"Sec. 5. *Be it enacted*, That in addition to the usual professorships in literary institutions, any person or society, or the Board of Trustees may found a professorship of Agriculture by endowing the same.

"Sec. 6. *Be it enacted*, That any evangelical Church, or any number of members of the same may establish a Theological professorship in said Institution, by endowing the same with the consent of the Board of Trustees, and under such rules and regulations as may be agreed upon between such Church or members and said Board; *Provided*, that such Church or members may name such professorship and appoint the *professor*.

"Sec. 7. *Be it enacted*, That this act shall be deemed a public act, and be judicially taken notice of without being specially pleaded; *Provided* That the value of lands acquired either by gift or purchase for the support of said Institution shall not at any one time exceed the sum of twenty thousand dollars."

III.

AMENDMENT OF 1850

In the Public Acts of the State of Tennessee, for the years 1849-50, in chap. LVII, entitled "An Act to incorporate Farmers' Academy, in Wilson county, and for other purposes," passed January 16, 1850, is the following:

"Sec. 10. That the charter of Cumberland University, at Lebanon, passed 30th December, 1843, is hereby so amended as that appointments by the board of trustees, to fill vacancies in their own body, shall be submitted to the General Assembly, or the Synod in which said institution is situated, of the Cumberland Presbyterian Church, at their next session, after such appointment, for confirmation or rejection; but any trustee so appointed by the board, shall continue in office until such rejection, and the appointment of another in his place by the judicatory, to which application is made, and notice to the *board; Provided*, That appointments by the board shall be void, unless application is made to the General Assembly or Synod, at their next meeting after the same is made as aforesaid.

"Sec. 11. That the clauses in said charter limiting the endowment fund, and value of real estate of said institution, be repealed.

IV.

THE SUBSTITUTE CHARTER OF 1858*

In the Public Acts of the State of Tennesseee, for the years 1857-8, under Chapter 95, entitled "An Act to incorporate Spring Hill Academy, in the County of White, and for other purposes, passed March 2, 1858, is the following:

"Sec. 16. *Be it further enacted*, That the present Trustees, and their successors, of Cumberland University, at Lebanon, be a body politic and corporate, by the name and style of the Trustees of Cumberland University, and by that name it shall have succession, sue and be sued, contract and be contracted with, hold property, both real and personal, whether situated in this or any other State, Territory, or country, receive and make titles to the same, and do all other acts and things incident to such corporations, by the general laws relating to bodies corporate. Donations

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* See II, The Story of the Founding, pp. 33-39. Also III, A Review, pp. 21-24.

or conveyances, by deed or will, shall be held good, whether the corporate name is correctly used or not, *Provided*, enough appears to make it certain that the Institution was intended, no matter what words of description may be adopted.

"Sec. 18. *Be it further enacted*, That so soon as the present number of Trustees is reduced to nine, by deaths or resignations, that number shall constitute the Board, any five of whom shall be a quorum for the transaction of business. The Board shall elect, out of its own body, a President, Secretary, and one or more Treasurers. It may also appoint or remove at pleasure, a President of the Institution, and as many Professors as may be necessary, who shall constitute the Faculty, and also such tutors and teachers as may be needed, and assign to all, their respective duties, and fix and provide for the payment of their salaries. It may likewise appoint such agents and servants as may be considered necessary. The Board and Faculty, by their joint action, shall have the authority to confer all such literary and honorary degrees of distinction as are usually conferred by other Universities in the United States. The Board shall have power to adopt such by-laws as may be deemed necessary for the government of the Institution, and change the same at pleasure. The members of the Faculty may be present at the meetings of the Board, and participate in its deliberations and discussions, but shall not be allowed to vote.

Sec. 19. *Be it further enacted*, That all vacancies in the Board of Trustees shall be filled by resolution, to be entered upon the minutes, but all such appointments shall be submitted by report to the next ensuing session of the General Assembly of the Cumberland Presbyterian Church for confirmation or rejection.

"Sec. 20. *Be it further enacted*, That the Board may take such measures as they may deem most effectual for the ample endowment of the University, or any of its departments. That such endowment fund shall be under the control and management of the Board, for the interest of the Institution, but the principal of which shall not be diminished, but only the interest or income of such investments as may be made. In making investments the directions of the donors shall be complied with, when any such are expressed.

"Sec. 21. *Be it further enacted*, That any person or persons, corporation, or church judicatory, may establish professorships of any kind, in said Institution, with the consent and approbation of the Trustees and Faculty by endowing the same.

"Sec. 22. *Be it further enacted*, That the Trustees may, at any time, establish departments of Theology, Law, Medicine or Agriculture, in the University, and adopt measures for the endowment of the same, separately from the general endowment of the Institution, and any property or money given for such purpose, shall be confined by the Trustees strictly and singly to that object, according to the wishes of the donors. Professors in such departments shall be appointed by the Board, with such compensation as may be agreed upon.

"Sec. 23. *Be it further enacted,* That the Trustees and Faculty, by joint action, shall prescribe the course of study for the Preparatory Department, and the College proper, which shall be as thorough as any other first-class institution in the United States. The course prescribed must be taken before diplomas can be conferred. They may also establish a separate scientific course for such as do not choose to take the regular collegiate course, and confer special diplomas on such as may pass through the same with approbation.

"Sec. 24. *Be it further enacted,* That the Theological Faculty shall consist of the President of the University; and the Professors in that department, and the Law Faculty, of the President and the Professors of Law; and so of any other department that may be established.

"Sec. 25. *Be it further enacted,* That the money and property, constituting the general endowment fund, or that of any particular department or professorship, shall never be diverted from the object for which it was given or raised, to any other purpose, without the consent of the donor. But in the event that any such professorship or department should be discontinued, or fail to exist, the Trustees shall have the power to determine what other application shall be made of such funds, raised or given for its endowment, for the interests of the Institution."